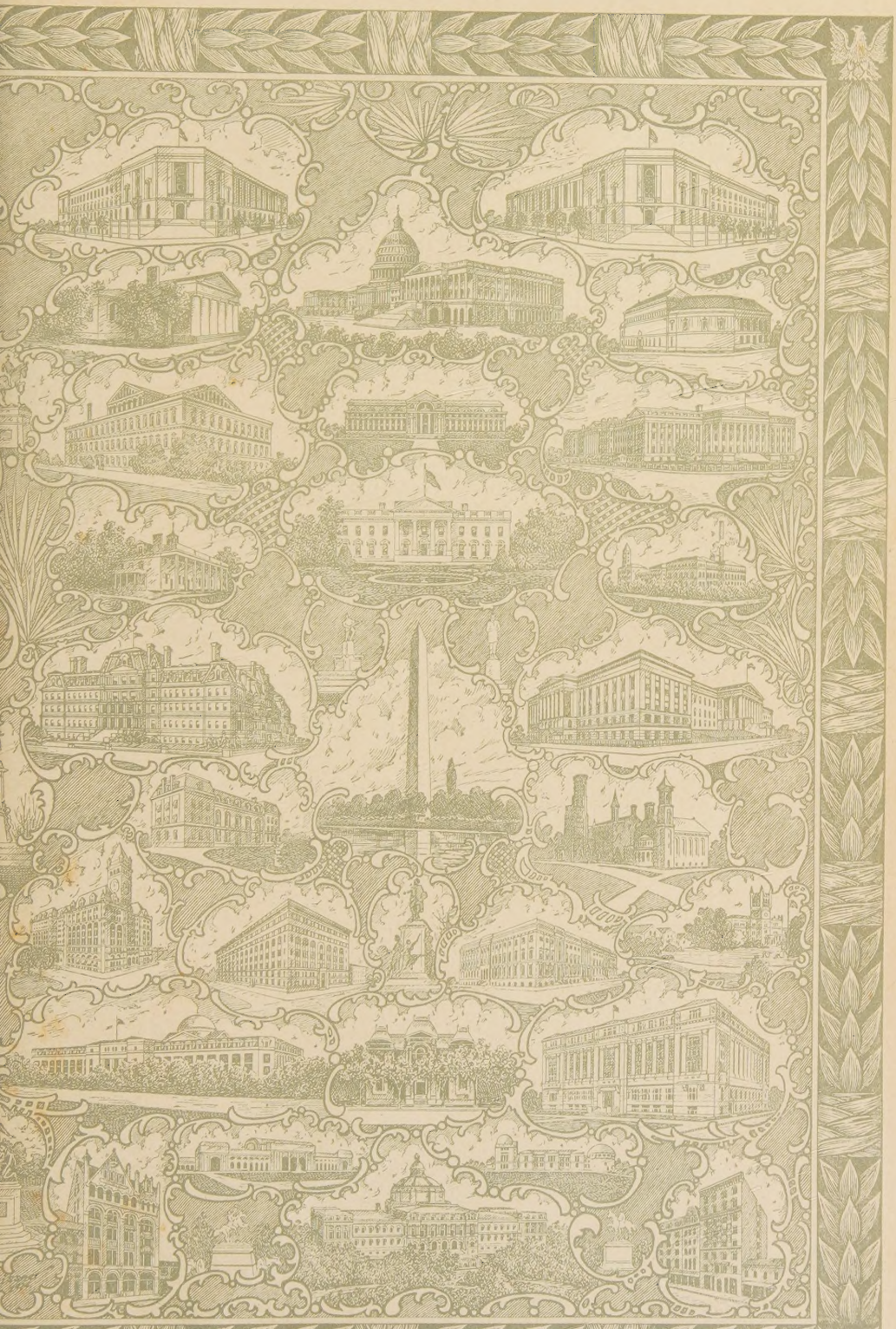
E PLURIBUS UNUM
THE PRESIDENTS



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Treasury Department

A COMPILATION

OF THE

MESSAGES AND PAPERS

OF THE

PRESIDENTS

Prepared Under the Direction of the Joint Committee
on Printing, of the House and Senate,
Pursuant to an Act of the Fifty-Second Congress
of the United States

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With the exception of the tribes referred to, our relations with all the others are on the same friendly footing, and it affords me great satisfaction to add that they are making steady advances in civilization and the improvement of their condition. Many of the tribes have already made great progress in the arts of civilized life. This desirable result has been brought about by the humane and persevering policy of the Government, and particularly by means of the appropriation for the civilization of the Indians. There have been established under the provisions of this act 32 schools, containing 916 scholars, who are well instructed in several branches of literature, and likewise in agriculture and the ordinary arts of life.

Under the appropriation to authorize treaties with the Creeks and Quaupaw Indians commissioners have been appointed and negotiations are now pending, but the result is not yet known.

For more full information respecting the principle which has been adopted for carrying into effect the act of Congress authorizing surveys, with plans and estimates for canals and roads, and on every other branch of duty incident to the Department of War, I refer you to the report of the Secretary.

The squadron in the Mediterranean has been maintained in the extent which was proposed in the report of the Secretary of the Navy of the last year, and has afforded to our commerce the necessary protection in that sea. Apprehending, however, that the unfriendly relations which have existed between Algiers and some of the powers of Europe might be extended to us, it has been thought expedient to augment the force there, and in consequence the *North Carolina*, a ship of the line, has been prepared, and will sail in a few days to join it.

The force employed in the Gulf of Mexico and in the neighboring seas for the suppression of piracy has likewise been preserved essentially in the state in which it was during the last year. A persevering effort has been made for the accomplishment of that object, and much protection has thereby been afforded to our commerce, but still the practice is far from being suppressed. From every view which has been taken of the subject it is thought that it will be necessary rather to augment than to diminish our force in that quarter. There is reason to believe that the piracies now complained of are committed by bands of robbers who inhabit the land, and who, by preserving good intelligence with the towns and seizing favorable opportunities, rush forth and fall on unprotected merchant vessels, of which they make an easy prey. The pillage thus taken they carry to their lurking places, and dispose of afterwards at prices tending to seduce the neighboring population. This combination is understood to be of great extent, and is the more to be deprecated because the crime of piracy is often attended with the murder of the crews, these robbers knowing if any survived their lurking places would be exposed and they be caught and punished. That this atrocious practice should be

carried to such extent is cause of equal surprise and regret. It is presumed that it must be attributed to the relaxed and feeble state of the local governments, since it is not doubted, from the high character of the governor of Cuba, who is well known and much respected here, that if he had the power he would promptly suppress it. Whether those robbers should be pursued on the land, the local authorities be made responsible for these atrocities, or any other measure be resorted to to suppress them, is submitted to the consideration of Congress.

In execution of the laws for the suppression of the slave trade a vessel has been occasionally sent from that squadron to the coast of Africa with orders to return thence by the usual track of the slave ships, and to seize any of our vessels which might be engaged in that trade. None have been found, and it is believed that none are thus employed. It is well known, however, that the trade still exists under other flags.

The health of our squadron while at Thompsons Island has been much better during the present than it was the last season. Some improvements have been made and others are contemplated there which, it is believed, will have a very salutary effect.

On the Pacific our commerce has much increased, and on that coast, as well as on that sea, the United States have many important interests which require attention and protection. It is thought that all the considerations which suggested the expediency of placing a squadron on that sea operate with augmented force for maintaining it there, at least in equal extent.

For detailed information respecting the state of our maritime force on each sea, the improvement necessary to be made on either in the organization of the naval establishment generally, and of the laws for its better government I refer you to the report of the Secretary of the Navy, which is herewith communicated.

The revenue of the Post-Office Department has received a considerable augmentation in the present year. The current receipts will exceed the expenditures, although the transportation of the mail within the year has been much increased. A report of the Postmaster-General, which is transmitted, will furnish in detail the necessary information respecting the administration and present state of this Department.

In conformity with a resolution of Congress of the last session, an invitation was given to General Lafayette to visit the United States, with an assurance that a ship of war should attend at any port of France which he might designate, to receive and convey him across the Atlantic, whenever it might be convenient for him to sail. He declined the offer of the public ship from motives of delicacy, but assured me that he had long intended and would certainly visit our Union in the course of the present year. In August last he arrived at New York, where he was received with the warmth of affection and gratitude to which his very important and disinterested services and sacrifices in our Revolutionary struggle so eminently

entitled him. A corresponding sentiment has since been manifested in his favor throughout every portion of our Union, and affectionate invitations have been given him to extend his visits to them. To these he has yielded all the accommodation in his power. At every designated point of rendezvous the whole population of the neighboring country has been assembled to greet him, among whom it has excited in a peculiar manner the sensibility of all to behold the surviving members of our Revolutionary contest, civil and military, who had shared with him in the toils and dangers of the war, many of them in a decrepit state. A more interesting spectacle, it is believed, was never witnessed, because none could be founded on purer principles, none proceed from higher or more disinterested motives. That the feelings of those who had fought and bled with him in a common cause should have been much excited was natural. There are, however, circumstances attending these interviews which pervaded the whole community and touched the breasts of every age, even the youngest among us. There was not an individual present who had not some relative who had not partaken in those scenes, nor an infant who had not heard the relation of them. But the circumstance which was most sensibly felt, and which his presence brought forcibly to the recollection of all, was the great cause in which we were engaged and the blessings which we have derived from our success in it. The struggle was for independence and liberty, public and personal, and in this we succeeded. The meeting with one who had borne so distinguished a part in that great struggle, and from such lofty and disinterested motives, could not fail to affect profoundly every individual and of every age. It is natural that we should all take a deep interest in his future welfare, as we do. His high claims on our Union are felt, and the sentiment universal that they should be met in a generous spirit. Under these impressions I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy the character of the American people.

In turning our attention to the condition of the civilized world, in which the United States have always taken a deep interest, it is gratifying to see how large a portion of it is blessed with peace. The only wars which now exist within that limit are those between Turkey and Greece, in Europe, and between Spain and the new Governments, our neighbors, in this hemisphere. In both these wars the cause of independence, of liberty and humanity, continues to prevail. The success of Greece, when the relative population of the contending parties is considered, commands our admiration and applause, and that it has had a similar effect with the neighboring powers is obvious. The feeling of the whole civilized world is excited in a high degree in their favor. May we not hope that these sentiments, winning on the hearts of their respective Governments, may lead to a more decisive result; that they may produce an accord among

them to replace Greece on the ground which she formerly held, and to which her heroic exertions at this day so eminently entitle her?

With respect to the contest to which our neighbors are a party, it is evident that Spain as a power is scarcely felt in it. These new States had completely achieved their independence before it was acknowledged by the United States, and they have since maintained it with little foreign pressure. The disturbances which have appeared in certain portions of that vast territory have proceeded from internal causes, which had their origin in their former Governments and have not yet been thoroughly removed. It is manifest that these causes are daily losing their effect, and that these new States are settling down under Governments elective and representative in every branch, similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this, their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their judgment we leave it, in the expectation that other powers will pursue the same policy. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own Governments, has been declared, and is known to the world. Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of the European Governments nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

The augmentation of our population with the expansion of our Union and increased number of States have produced effects in certain branches of our system which merit the attention of Congress. Some of our arrangements, and particularly the judiciary establishment, were made with a view to the original thirteen States only. Since then the United States have acquired a vast extent of territory; eleven new States have been admitted into the Union, and Territories have been laid off for three others, which will likewise be admitted at no distant day. An

organization of the Supreme Court which assigns to the judges any portion of the duties which belong to the inferior, requiring their passage over so vast a space under any distribution of the States that may now be made, if not impracticable in the execution, must render it impossible for them to discharge the duties of either branch with advantage to the Union. The duties of the Supreme Court would be of great importance if its decisions were confined to the ordinary limits of other tribunals, but when it is considered that this court decides, and in the last resort, on all the great questions which arise under our Constitution, involving those between the United States individually, between the States and the United States, and between the latter and foreign powers, too high an estimate of their importance can not be formed. The great interests of the nation seem to require that the judges of the Supreme Court should be exempted from every other duty than those which are incident to that high trust. The organization of the inferior courts would of course be adapted to circumstances. It is presumed that such an one might be formed as would secure an able and faithful discharge of their duties, and without any material augmentation of expense.

The condition of the aborigines within our limits, and especially those who are within the limits of any of the States, merits likewise particular attention. Experience has shown that unless the tribes be civilized they can never be incorporated into our system in any form whatever. It has likewise shown that in the regular augmentation of our population with the extension of our settlements their situation will become deplorable, if their extinction is not menaced. Some well-digested plan which will rescue them from such calamities is due to their rights, to the rights of humanity, and to the honor of the nation. Their civilization is indispensable to their safety, and this can be accomplished only by degrees. The process must commence with the infant state, through whom some effect may be wrought on the parental. Difficulties of the most serious character present themselves to the attainment of this very desirable result on the territory on which they now reside. To remove them from it by force, even with a view to their own security and happiness, would be revolting to humanity and utterly unjustifiable. Between the limits of our present States and Territories and the Rocky Mountains and Mexico there is a vast territory to which they might be invited with inducements which might be successful. It is thought if that territory should be divided into districts by previous agreement with the tribes now residing there and civil governments be established in each, with schools for every branch of instruction in literature and the arts of civilized life, that all the tribes now within our limits might gradually be drawn there. The execution of this plan would necessarily be attended with expense, and that not inconsiderable, but it is doubted whether any other can be devised which would be less liable to that objection or more likely to succeed.

In looking to the interests which the United States have on the Pacific Ocean and on the western coast of this continent, the propriety of establishing a military post at the mouth of Columbia River, or at some other point in that quarter within our acknowledged limits, is submitted to the consideration of Congress. Our commerce and fisheries on that sea and along the coast have much increased and are increasing. It is thought that a military post, to which our ships of war might resort, would afford protection to every interest, and have a tendency to conciliate the tribes to the northwest, with whom our trade is extensive. It is thought also that by the establishment of such a post the intercourse between our Western States and Territories and the Pacific and our trade with the tribes residing in the interior on each side of the Rocky Mountains would be essentially promoted. To carry this object into effect the appropriation of an adequate sum to authorize the employment of a frigate, with an officer of the Corps of Engineers, to explore the mouth of the Columbia River and the coast contiguous thereto, to enable the Executive to make such establishment at the most suitable point, is recommended to Congress.

It is thought that attention is also due to the improvement of this city. The communication between the public buildings and in various other parts and the grounds around those buildings require it. It is presumed also that the completion of the canal from the Tiber to the Eastern Branch would have a very salutary effect. Great exertions have been made and expenses incurred by the citizens in improvements of various kinds; but those which are suggested belong exclusively to the Government, or are of a nature to require expenditures beyond their resources. The public lots which are still for sale would, it is not doubted, be more than adequate to these purposes.

From the view above presented it is manifest that the situation of the United States is in the highest degree prosperous and happy. There is no object which as a people we can desire which we do not possess or which is not within our reach. Blessed with governments the happiest which the world ever knew, with no distinct orders in society or divided interests in any portion of the vast territory over which their dominion extends, we have every motive to cling together which can animate a virtuous and enlightened people. The great object is to preserve these blessings, and to hand them down to the latest posterity. Our experience ought to satisfy us that our progress under the most correct and provident policy will not be exempt from danger. Our institutions form an important epoch in the history of the civilized world. On their preservation and in their utmost purity everything will depend. Extending as our interests do to every part of the inhabited globe and to every sea to which our citizens are carried by their industry and enterprise, to which they are invited by the wants of others, and have a right to go, we must either protect them in the enjoyment of their rights or abandon them in

certain events to waste and desolation. Our attitude is highly interesting as relates to other powers, and particularly to our southern neighbors. We have duties to perform with respect to all to which we must be faithful. To every kind of danger we should pay the most vigilant and unceasing attention, remove the cause where it may be practicable, and be prepared to meet it when inevitable.

Against foreign danger the policy of the Government seems to be already settled. The events of the late war admonished us to make our maritime frontier impregnable by a well-digested chain of fortifications, and to give efficient protection to our commerce by augmenting our Navy to a certain extent, which has been steadily pursued, and which it is incumbent upon us to complete as soon as circumstances will permit. In the event of war it is on the maritime frontier that we shall be assailed. It is in that quarter, therefore, that we should be prepared to meet the attack. It is there that our whole force will be called into action to prevent the destruction of our towns and the desolation and pillage of the interior. To give full effect to this policy great improvements will be indispensable. Access to those works by every practicable communication should be made easy and in every direction. The intercourse between every part of our Union should also be promoted and facilitated by the exercise of those powers which may comport with a faithful regard to the great principles of our Constitution. With respect to internal causes, those great principles point out with equal certainty the policy to be pursued. Resting on the people as our Governments do, State and National, with well-defined powers, it is of the highest importance that they severally keep within the limits prescribed to them. Fulfilling that sacred duty, it is of equal importance that the movement between them be harmonious, and in case of any disagreement, should any such occur, a calm appeal be made to the people, and that their voice be heard and promptly obeyed. Both Governments being instituted for the common good, we can not fail to prosper while those who made them are attentive to the conduct of their representatives and control their measures. In the pursuit of these great objects let a generous spirit and national views and feelings be indulged, and let every part recollect that by cherishing that spirit and improving the condition of the others in what relates to their welfare the general interest will not only be promoted, but the local advantage be reciprocated by all.

I can not conclude this communication, the last of the kind which I shall have to make, without recollecting with great sensibility and heartfelt gratitude the many instances of the public confidence and the generous support which I have received from my fellow-citizens in the various trusts with which I have been honored. Having commenced my service in early youth, and continued it since with few and short intervals, I have witnessed the great difficulties to which our Union has been exposed, and admired the virtue and intelligence with which they have

been surmounted. From the present prosperous and happy state I derive a gratification which I can not express. That these blessings may be preserved and perpetuated will be the object of my fervent and unceasing prayers to the Supreme Ruler of the Universe.

JAMES MONROE.

SPECIAL MESSAGES.

DECEMBER 6, 1824.

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 13th of May last, requesting the President to cause to be made and submitted to the House on the first day of the next [present] session of Congress a full and complete statement of the exact number of lots belonging to the United States in the city of Washington which have been sold by the public agents for that purpose; when sold, by whom, to whom, and for what price each lot was purchased; what part of the purchase money has been paid, the amount due, and by whom due, and when payable; whether the debts are well secured, and whether the money received has been applied, to what purposes, and by whom, I herewith transmit a report and statements from the Commissioner of Public Buildings, which will afford the information required.

JAMES MONROE.

DECEMBER 13, 1824.

To the House of Representatives of the United States:

In compliance with an act of Congress which originated in the House of Representatives, passed the 26th of May, 1824, "to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts's lines, in the State of Ohio," I herewith transmit a report, with accompanying documents, from the Commissioner of the General Land Office, shewing the measures which have been taken under the provisions of the aforesaid act.

JAMES MONROE.

WASHINGTON, *December 13, 1824.*

THE PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention, negotiated and signed by Samuel D. Heap, acting consul of the United States, on the part of the United States, and Mahmoud Bashaw, Bey of Tunis, on the 24th day of February

last, together with copies of Mr. Heap's correspondence appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *December 13, 1824.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES PRO TEMPORE:

I transmit to the Senate the convention, signed by the plenipotentiaries of the United States and of His Imperial Majesty the Emperor of Russia at St. Petersburg on the 5th (17th) of April last, referred to in my message to both Houses of Congress, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *December 23, 1824.*

To the House of Representatives of the United States:

Agreeably to a resolution of the House of Representatives of the 15th instant, requesting the President to lay before the House a copy of the instructions under which the articles of a treaty with the Cherokee Indians were formed by Daniel Smith and R. J. Meigs, acting as commissioners of the United States, at Telico on the 24th October, 1804, with copies of all the correspondence or other documents relating to that instrument in either of the Executive Departments, with a statement of the causes which prevented an earlier decision upon it, I herewith transmit a report from the Secretary of War, with the documents referred to in it.

JAMES MONROE.

WASHINGTON, *December 23, 1824.*

To the House of Representatives of the United States:

I herewith transmit to the House a report from the Secretary of State, with copies of the correspondence with the Government of France requested by the resolution of the House of the 26th May last.

JAMES MONROE.

DEPARTMENT OF STATE,
Washington, December 23, 1824.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 26th of May last, requesting that the President of the United States would lay before that House at the then next session, as early as the public interest would permit, the correspondence which might be held with the Government of France prior to that time on the subject of injuries sustained by citizens of the United States since the year 1806, has the honor of reporting to the President copies of the documents requested by that resolution.

JOHN QUINCY ADAMS.

[Extract of a letter from Mr. Adams (No. 1) to Mr. Sheldon, dated Department of State, Washington, August 13, 1823.]

I have had the honor of receiving your dispatches Nos. 1 and 2, the latter dated the 10th of June. Mr. Gallatin arrived with his family at New York on the 24th of that month.

I inclose herewith copies of the recent correspondence between the Count de Menou, the chargé d'affaires of France, and this Department on various subjects highly interesting to the relations between the two countries.

With regard to the Count's note of the 11th of July, the President received with great satisfaction the testimonial of the Viscount de Chateaubriand to the candor and ability with which Mr. Gallatin has performed the duties of his official station in France. The proposal to renew the negotiation in behalf of the well-founded claims of our citizens upon the French Government in *connection* with a claim on the part of France to special privileges in the ports of Louisiana, which, after a very full discussion, had in the views of this Government been proved utterly groundless, could neither be accepted nor considered as evidence of the same conciliatory spirit. The claims of our citizens are for mere justice; they are for reparation of unquestionable wrongs—for indemnity or restitution of property taken from them or destroyed without shadow or color of right. The claim under the eighth article of the Louisiana convention has nothing to rest upon but a forced construction of the terms of the stipulation, which the American Government considered, and have invariably considered, as totally without foundation. These are elements not to be coupled together in the same negotiation, and while we yet trust to the final sense of justice of France for the adjustment of the righteous claims of our citizens, we still hope that their unquestionable character will ultimately secure to them a consideration unencumbered with other discussions. You will respectfully make this representation to the Viscount de Chateaubriand, with the assurance of the readiness of this Government to discuss the question upon the Louisiana convention further if desired by France, but of our final conviction that it is not to be blended with the claims of our citizens for mere justice.

Count de Menou to Mr. Adams.

[Translation.]

LEGATION OF FRANCE TO THE UNITED STATES,
Washington, July 11, 1823.

The Honorable SECRETARY OF STATE:

His Excellency the Viscount de Chateaubriand, in announcing to me that Mr. Gallatin was about to leave France, expresses his regret at his departure in such terms that I should do him injustice were I not to use his own expressions. "My correspondence with this minister," he remarks to me, "has caused me to appreciate his talents, his ability, and his attachment to the system of friendship that unites the two powers. It is with regret that I suspend my communications with him."

I esteem myself happy, sir, in conveying to you such sentiments toward the representative of the United States in France, and I should have thought that I had but imperfectly apprehended the design of the Viscount de Chateaubriand had I neglected to communicate them to the Federal Government.

The minister for foreign affairs reminds me also on this occasion that Mr. Gallatin having frequently laid before him claims of Americans against the French Government, he had shown himself disposed to enter upon a general negotiation, in which they should be comprehended with claims of French citizens against the Federal Government at the same time with the arrangement relative to the execution of the eighth article of the treaty of Louisiana. The object of his excellency was to arrive

at a speedy and friendly disposition of all difficulties that might subsist between the two powers, well assured that France and the United States would be found to have the same views of justice and conciliation.

His excellency regrets that Mr. Gallatin, who, he says, "has convinced him how pleasing and advantageous it is to negotiate with a statesman who exhibits candor and ability in his discussions," did not receive from his Government during his stay in France the necessary powers for this double negotiation. But he informs me that the Government of His Majesty remains always disposed to open it, either with Mr. Gallatin should he return with these powers, or with Mr. Sheldon if the Federal Government should think proper to confer them on him.

I greatly desire, sir, to see these propositions acceded to by the Federal Government and to be able to reply to his excellency, as he expresses his wish that an arrangement putting an end to every subject of discussion might soon be expected.

I pray the Secretary of State to receive the renewed assurance of my high consideration.

The chargé d'affaires of France near the United States,

MENOU.

Mr. Adams to Count de Menou.

DEPARTMENT OF STATE,
Washington, August 12, 1823.

The COUNT DE MENOU,
Chargé d'Affaires from France.

SIR: Your letter of the 11th of last month has been submitted to the consideration of the President of the United States, by whom I am directed to express the high satisfaction that he has felt at the manner in which His Excellency the Viscount de Chateaubriand has noticed in his correspondence with you the temporary absence of Mr. Gallatin from France and the terms of regard and esteem with which he notices the character and conduct of that minister. The anxious desire of the President for the promotion of the good understanding between the United States and France could not be more gratified than by the testimonial of His Most Christian Majesty's Government to the good faith and ability with which the minister of the United States at his Court has performed his official duties.

With regard to the assurance of His Excellency the Viscount de Chateaubriand's disposition to enter upon a negotiation with Mr. Gallatin in the event of his return to France, or with Mr. Sheldon during his absence, concerning the claims of citizens of the United States on the Government of France in connection with an arrangement concerning the eighth article of the Louisiana treaty, I am directed to observe that those subjects rest upon grounds so totally different that the Government of the United States can not consent to connect them together in negotiation.

The claims of the citizens of the United States upon the French Government have been of many years' standing, often represented by successive ministers of the United States, and particularly by Mr. Gallatin during a residence of seven years, with a perspicuity of statement and a force of evidence which could leave to the Government of the United States no desire but that they should have been received with friendly attention and no regret but that they should have proved ineffectual. The justice of these claims has never been denied by France, and while the United States are still compelled to wait for their adjustment, similar and less forceful claims of the subjects of other nations have been freely admitted and liquidated.

A long and protracted discussion has already taken place between the two Governments in relation to the claim of France under the eighth article of the Louisiana convention, the result of which has been a thorough conviction on the part of the American Government that the claim has no foundation in the treaty whatever. The

reasons for this conviction have been so fully set forth in the discussion that it was not anticipated a further examination of it would be thought desirable. As a subject of discussion, however, the American Government is willing to resume it whenever it may suit the views of France to present further considerations relating to it; but while convinced that the claim is entirely without foundation, they can not place it on a footing of concurrent negotiation with claims of their citizens, the justice of which is so unequivocal that they have not even been made the subject of denial.

From the attention which His Excellency the Viscount de Chateaubriand has intimated his willingness to give to the consideration of these claims the President indulges the hope that they will be taken into view upon their own merits, and in that hope the representative of the United States at Paris will at an early day be instructed to present them again to the undivided and unconditional sense of the justice of France.

I pray you, sir, to accept the renewed assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

[Extract of a letter from Mr. Sheldon (No. 11) to Mr. Adams, dated Paris, October 16, 1823.]

I took an early occasion after the receipt of your dispatch No. 1, of the 10th August, to communicate the subjects of it in a conversation I had with Viscount de Chateaubriand. His observations in relation to that of the claims, as connected with the pretensions of France under the Louisiana treaty, were of a very general nature and amounted to little more than a repetition of his readiness to enter upon the consideration of whatever subjects of discussion might exist between the two countries and the expression of his satisfaction at the prospect of being soon relieved from the labor which the affairs of Spain had thrown upon him, and having thus more time to devote to those of the United States and others not of the same pressing nature. He avoided any intimation of a disposition to take up the claims by themselves, and it can hardly be expected that the French Government will at this time relax from the ground they have so lately taken upon that point. I informed him that I should communicate in writing an answer to the overture made by Count de Menou at Washington for uniting in a new negotiation this subject with that of the Louisiana treaty, in substance the same as that gentleman had already received there, and should again press upon the French Government the consideration of the claims by themselves; to which he replied that any communication I might make would be received and treated with all the attention to which it was entitled on his part.

Mr. Sheldon to the Viscount de Chateaubriand.

PARIS, *October 11, 1823.*

SIR: Mr. Gallatin, during his residence as minister of the United States in France, had upon various occasions called the attention of His Majesty's Government to the claims of our citizens for the reparation of wrongs sustained by them from the unjust seizure, detention, and confiscation of their property by officers and agents acting under authority of the Government of France. During the past year His Majesty's ministers had consented to enter upon the consideration of these claims, but they proposed to couple with it another subject having no connection with those claims, either in its nature, it. origin, or the principles on which it depended—a question of the disputed construction of one of the articles of the treaty of cession of Louisiana, by virtue of which France claimed certain commercial privileges in the ports of that Province. Mr. Gallatin had not received from his Government any authority to connect these two dissimilar subjects in the same negotiation, or, indeed, to treat upon the latter, which had already been very amply discussed at Washington between the Secretary of State of the United States and His Majesty's minister at that place,

without producing any result except a conviction on the part of the Government of the United States that the privileges for French vessels, as claimed by the minister of France, never could have been, and were not in fact, conceded by the treaty in question. A stop was then put to the negotiations already commenced in relation to the claims, and with which had been united, on the proposition of the French Government, and as being naturally connected with it, the consideration of certain claims of French citizens on the Government of the United States.

The chargé d'affaires of France at Washington has lately, on behalf of his Government, expressed to that of the United States a wish that this double negotiation might be resumed and that a definitive arrangement might be made as well in relation to the disputed article of the Louisiana treaty as of the subject of the claims upon the one side and upon the other. The Government of the United States has nothing more at heart than to remove by friendly arrangements every subject of difference which may exist between the two countries, and to examine with the greatest impartiality and good faith as well the nature and extent of the stipulations into which they have entered as the appeals to their justice made by individuals claiming reparation for wrongs supposed to have been sustained at their hands.

But these two subjects are essentially dissimilar; there are no points of connection between them; the principles upon which they depend are totally different; they have no bearing upon each other; and the justice which is due to individuals ought not to be delayed or made dependent upon the right or the wrong interpretation by one or the other party of a treaty having for its object the regulation of entirely distinct and different interests.

The reclamations of American citizens upon the Government of France are for mere justice—for the reparation of unquestionable wrongs, indemnity or restitution of property taken from them or destroyed forcibly and without right. They are of ancient date, and justice has been long and anxiously waited for. They have been often represented to the Government of France, and their validity is not disputed. Similar reclamations without greater merit or stronger titles to admission presented by citizens of other nations have been favorably received, examined, and liquidated, and it seems to have been hitherto reserved to those of the United States alone to meet with impediments at every juncture and to seek in vain the moment in which the Government of France could consent to enter upon their consideration. Although the question arising under the eighth article of the Louisiana treaty has already been fully examined, the Government of the United States is ready, if it is desired by France, and if it is thought that any new light can be thrown upon it, to discuss the subject further whenever it shall be presented anew by France to their consideration. But they are convinced that by blending it with the claims not only will no progress be made toward its solution, but that these last, standing upon their own unquestionable character, ought not to be trammeled with a subject to which they are wholly foreign.

I am instructed to bring them anew before your excellency, and to express the hope of the President that His Majesty's Government will not continue to insist upon connecting together two subjects of so different a nature, but that the claims may be taken up on their own merits and receive the consideration which they deserve, unencumbered with other discussions.

I request your excellency to accept the assurance, etc.

D. SHELDON.

[Extracts of a letter from the Secretary of State to Mr. Brown, dated Washington, December 23, 1823.]

You will immediately after your reception earnestly call the attention of the French Government to the claims of our citizens for indemnity.

You will at the same time explicitly make known that this Government can not consent to connect this discussion with that of the pretension raised by France on the construction given by her to the eighth article of the Louisiana cession treaty. The difference in the nature and character of the two interests is such that they can not with propriety be blended together. The claims are of reparation to individuals for their property taken from them by manifest and undisputed wrong. The question upon the Louisiana treaty is a question of *right* upon the meaning of a contract. It has been fully, deliberately, and thoroughly investigated, and the Government of the United States is under the entire and solemn conviction that the pretension of France is utterly unfounded. We are, nevertheless, willing to resume the discussion if desired by France; but to refuse justice to individuals unless the United States will accede to the construction of an article in a treaty contrary to what they believe to be its real meaning would be not only incompatible with the principles of equity, but submitting to a species of compulsion derogatory to the honor of the nation.

[Extract of a letter (No. 2) from James Brown, envoy extraordinary and minister plenipotentiary of the United States, dated April 28, 1824.]

I have in a letter to M. de Chateaubriand, copy of which I have now the honor to send, made an effort to separate the claims of our citizens from the Louisiana question.

Mr. Brown to M. de Chateaubriand.

PARIS, *April 28, 1824.*

His Excellency VISCOUNT DE CHATEAUBRIAND,
Minister of Foreign Affairs, etc.

SIR: In the conference with which your excellency honored me a few days ago I mentioned a subject deeply interesting to many citizens of the United States, on which I have been instructed to address your excellency, and to which I earnestly wish to call your immediate attention.

It is well known to your excellency that my predecessor, Mr. Gallatin, during several years made repeated and urgent applications to His Majesty's Government for the adjustment of claims to a very large amount, affecting the interests of American citizens and originating in gross violations of the law of nations and of the rights of the United States, and that he never could obtain from France either a settlement of those claims or even an examination and discussion of their validity. To numerous letters addressed by him to His Majesty's ministers on that subject either no answers were given or answers which had for their only object to postpone the investigation of the subject. Whilst, however, he indulged the hope that these delays would be abandoned, and that the rights of our citizens, which had been urged for so many years, would at length be taken up for examination, he learned with surprise and regret that His Majesty's Government had determined to insist that they should be discussed in connection with the question of the construction of the eighth article of the Louisiana treaty of cession. Against this determination he strongly but ineffectually remonstrated in a letter to Mr. De Villele, dated the 12th November, 1822.

It is notorious that the Government of the United States, whenever requested by that of His Majesty, have uniformly agreed to discuss any subject presented for their consideration, whether the object has been to obtain the redress of public or private injuries. Acting upon this principle, the question of the eighth article of the Louisiana treaty was, upon the suggestion of the minister of France, made the subject of a voluminous correspondence, in the course of which all the arguments of the parties respectively were fully made known to each other and examined. The result of this discussion has been a thorough conviction on the part of the Government of the United States that the construction of that article of the treaty contended for by France is destitute of any solid foundation and wholly inadmissible. After a

discussion so full as to exhaust every argument on that question, the attempt to renew it in connection with the question of the claims of our citizens appeared to the Government of the United States to be a measure so contrary to the fair and regular course of examining controverted points between nations that they instructed Mr. Sheldon, their chargé d'affaires, to prepare and present a note explaining their views of the proceeding, which he delivered on the 11th of October, 1823. To this note no answer has ever been received.

I have the express instructions of the Government again to call the attention of that of His Majesty to this subject, and to insist that the claims of our citizens may continue to be discussed as a distinct question, without connecting it in any way with the construction of the Louisiana treaty. The two subjects are in every respect dissimilar. The difference in the nature and character of the two interests is such as to prevent them from being blended in the same discussion. The claims against France are of reparation to individuals for their property taken from them by undisputed wrong and injustice; the claim of France under the treaty is that of a right founded on a contract. In the examination of these questions the one can impart no light to the other; they are wholly unconnected, and ought on every principle to undergo a distinct and separate examination. To involve in the same investigation the indisputable rights of American citizens to indemnity for losses and the doubtful construction of a treaty can have no other effect than to occasion an indefinite postponement of the reparation due to individuals or a sacrifice on the part of the Government of the United States of a treaty stipulation in order to obtain that reparation. The United States would hope that such an alternative will not be pressed upon them by the Government of His Majesty.

Whilst I indulge a hope that the course to which I have objected will no longer be insisted on by His Majesty's ministers, permit me to renew to your excellency the sincere assurance that the United States earnestly desire that every subject of difference between the two countries should be amicably adjusted and all their relations placed upon the most friendly footing. Although they believe that any further discussion of the eighth article of the Louisiana treaty would be wholly unprofitable, they will be at all times ready to renew the discussion of that article or to examine any question which may remain to be adjusted between them and France.

I request your excellency to accept, etc.

JAMES BROWN.

[Extract of a letter (No. 3) from James Brown to the Secretary of State, dated Paris, May 11, 1824.]

I have the honor to inclose a copy of the answer of the minister of foreign affairs to the letter which I addressed to him on the 27th ultimo, upon the subject of the claims of our citizens against the French Government. You will perceive that no change has been made in the determination expressed to Mr. Gallatin of connecting in the same discussion the question on the eighth article of the Louisiana treaty of cession and the claims of the citizens of the United States against France. In expressing this resolution it has not been considered necessary even to notice the arguments made use of to induce them to adopt a different opinion.

Viscount Chateaubriand to Mr. Brown.

[Translation.]

PARIS, *May 7, 1824.*

SIR: The object of the letter which you did me the honor to address to me on the 28th of April is to recall the affair of American claims, already repeatedly called up by your predecessors, that they may be regulated by an arrangement between the two powers, and that in this negotiation the examination of the difficulties which

were raised about the execution of the eighth article of the Louisiana treaty should not be included.

Although the claims made by France upon this last point be of a different nature from those of the Americans, yet no less attention ought to be paid to arrange both in a just and amicable manner.

Our claims upon the eighth article had already been laid before the Federal Government by His Majesty's plenipotentiary when he was negotiating the commercial convention of 24th June, 1822

The negotiators not agreeing upon a subject so important, the King's Government did not wish this difficulty to suspend any longer the conclusion of an arrangement which might give more activity to commerce and multiply relations equally useful to the two powers. It reserves to itself the power of comprehending this object in another negotiation, and it does not renounce in any manner the claim which it urged.

It is for this reason, sir, that my predecessors and myself have constantly insisted that the arrangements to be made upon the eighth article of the Louisiana treaty should be made a part of those which your Government were desirous of making upon other questions still at issue.

It is the intention of His Majesty not to leave unsettled any subject of grave discussion between the two States, and the King is too well convinced of the friendly sentiments of your Government not to believe that the United States will be disposed to agree with France on all the points.

His Majesty authorizes me, sir, to declare to you that a negotiation will be opened with you upon the American claims if this negotiation should also include the French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

Accept, sir, the assurances of the very distinguished consideration with which I have the honor to be, etc.,

CHATEAUBRIAND.

[Extracts of a letter (No. 4) from the Secretary of State to Mr. Brown, dated Department of State, Washington, August 14, 1824.]

The subject which has first claimed the attention of the President has been the result of your correspondence with the Viscount de Chateaubriand in relation to the claims of numerous citizens of the United States upon the justice of the French Government.

I inclose herewith a copy of the report of the Committee on Foreign Relations of the House of Representatives upon several petitions addressed to that body at their last session by some of those claimants and a resolution of the House adopted thereupon.

The President has deliberately considered the purport of M. de Chateaubriand's answer to your note of the 28th of April upon this subject, and he desires that you will renew with earnestness the application for indemnity to our citizens for claims notoriously just and resting upon the same principle with others which have been admitted and adjusted by the Government of France.

In the note of the Viscount de Chateaubriand to you of 7th May it is said that he is authorized to declare a negotiation will be opened with you upon the American claims if this negotiation should also include French claims, and particularly the arrangements to be concluded concerning the execution of the eighth article of the Louisiana treaty.

You are authorized in reply to declare that any just claims which subjects of France may have upon the Government of the United States will readily be included in the negotiation, and to stipulate any suitable provision for the examination, adjustment and satisfaction of them.

But the question relating to the eighth article of the Louisiana treaty is not only of a different character—it can not be blended with that of indemnity for individual claims without a sacrifice on the part of the United States of a principle of right. The negotiation for indemnity presupposes that wrong has been done, that indemnity ought to be made, and the object of any treaty stipulation concerning it can only be to ascertain what is justly due and to make provision for the payment of it. By consenting to connect with such a negotiation that relating to the eighth article of the Louisiana convention the United States would abandon the *principle* upon which the whole discussion concerning it depends. The situation of the parties to the negotiation would be unequal. The United States, asking reparation for admitted wrong, are told that France will not discuss it with them unless they will first renounce their own sense of right to admit and discuss with it a claim the *justice* of which they have constantly denied.

The Government of the United States is prepared to renew the discussion with that of France relating to the eighth article of the Louisiana treaty in any manner which may be desired and by which they shall not be understood to admit that France has *any* claim under it whatever.

Mr. Brown to Mr. Adams (*No. 12*).

PARIS, *August 12, 1824.*

SIR: Some very unimportant changes have taken place in the composition of the ministry. The Baron de Damas, late minister of war, is now minister of foreign affairs; the Marquis de Clermont Tonnese is appointed to the department of war, and the Count Chabrol de Crousal to that of the marine.

These appointments are believed to correspond with the wishes of the president of the Council of Ministers, and do not inspire a hope that our claims will be more favorably attended to than they have been under the former administrations. The interpretation of the eighth article of the Louisiana treaty contended for by France will, I apprehend, be persisted in and all indemnity refused until it shall have been discussed and decided. After the correspondence which has already passed upon that article, it would appear that any further discussion upon it would be wholly unprofitable. With a view, however, of ascertaining the opinions of the minister of foreign affairs, I shall at an early day solicit a conference with him, and inform you of the result.

I have had the honor of receiving your letter recommending the claim of Mr. Kingston to my attention. The difficulties which that claim must experience, from its antiquity and from the operation of the treaty of 1803, can not have escaped your observation. It has also to encounter, in common with all our claims, the obstacle presented by the eighth article, which is found broad enough to be used as a shield to protect France, in the opinion of ministers, from the examination and adjustment of any claim which we can present.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

JAMES BROWN.

Mr. Brown to Mr. Adams (*No. 14*).

PARIS, *September 28, 1824.*

SIR: Little has occurred of importance during the present month, except the death of the King. This event had been anticipated for nearly a year; he had declined gradually, and the affairs of the Government have been for some time almost wholly directed by Monsieur, who on his accession to the throne has declared that his reign would be only a continuation of that of the late King. No change in the policy of

the Government is expected, and probably none in the composition of the ministry. The present King is satisfied with Mr. De Villele, who is at its head; and if any of its members should be changed the spirit in which public affairs are directed will not, it is believed, be affected by that circumstance.

The ceremonies attending the change of the Crown have principally occupied the public attention for the last fortnight. It will, I presume, be officially announced by the French minister at Washington, and, according to the forms observed here, will, I understand, require fresh letters of credence for all foreign ministers at this Court, addressed to the new King.

My health has not permitted me (having been confined for some weeks to the bed by a rheumatic affection) to confer with the Baron de Damas on our affairs since his appointment as minister of the foreign department. I should regret this the more if I were not satisfied that the same impulse will direct the decisions of the Government upon these points now as before he had this department in charge, and that no favorable change in those decisions can be expected from any personal influence which might be exerted by the new minister. I shall, however, take the earliest opportunity that my health will allow to mention the subject to him and ascertain what his views of it are.

I have the honor to be, with great respect, sir, your most obedient and humble servant, JAMES BROWN.

[Extracts of a letter from Mr. James Brown to Mr. Adams (No. 16).]

PARIS, *October 23, 1824.*

The packet ship which sailed from New York on the 1st of September brought me the letter which you did me the honor to address to me on the 14th of August.

In conformity with the instructions contained in that letter, I have addressed one to the Baron de Damas, minister of foreign affairs, a copy of which I now inclose. I expect to receive his answer in time to be sent by the packet which will sail from Havre on the 1st of next month, in which event it may probably reach Washington about the 15th of December.

The recent changes which have been made in the ministry, of which I have already informed you, do not justify any very strong expectation that a change of measures in relation to our affairs at this Court will follow. The same individuals fill different places in the ministry from those which they formerly held, but in all probability adhere to their former opinions in relation to the subjects of discussion between the United States and France. On the point to which my letter to the Baron de Damas particularly relates the Count de Villele has already given his deliberate views in his letters to Mr. Gallatin dated 6th and 15th November, 1822, and I have every reason to believe that they remain unchanged. Having bestowed much attention on the subject, it is probable his opinion will be in a great measure decisive as to the answer which shall be given to my letter. It is the opinion of many well-informed men that in the course of a few months important changes will be made in the composition of the ministry. As these changes, however, will proceed from causes wholly unconnected with foreign affairs, I am by no means sanguine in my expectations that under any new composition of the ministry we may hope for a change of policy as it relates to our claims. The eighth article of the Louisiana treaty will be continually put forward as a bar to our claims and its adjustment urged as often as we renew our claim for indemnity.

The Journal des Débats of this morning states that at a superior council of commerce and of the colonies at which His Majesty yesterday presided Mr. De St. Cricq, president of the bureau de commerce, made a report on the commercial convention of the 24th June, 1822, between the United States and France.

Mr. Brown to Baron de Damas.

PARIS, *October 22, 1824.*

His Excellency BARON DE DAMAS,
Minister of Foreign Affairs, etc.

SIR: I availed myself of the earliest opportunity to transmit to my Government a copy of the letter which I had the honor to address to the Viscount de Chateaubriand on the 28th day of April last, together with a copy of his answer to that letter, dated 7th of May.

After a candid and deliberate consideration of the subject of that correspondence, my Government has sent me recent instructions to renew with earnestness the application, already so frequently and so ineffectually made, for indemnity to our citizens for claims notoriously just, and resting on the same principles with others which have been admitted and adjusted by the Government of France.

In reply to that part of the Viscount de Chateaubriand's letter in which he offers to open with me a negotiation upon American claims if that negotiation should also include French claims, and particularly the arrangements to be concluded concerning the eighth article of the Louisiana treaty, I have been instructed to declare that any just claims which the subjects of France may have upon the Government of the United States will readily be embraced in the negotiation, and that I am authorized to stipulate any suitable provision for the examination, adjustment, and satisfaction of them.

The question relating to the eighth article of the Louisiana treaty is viewed by my Government as one of a very different character. It can not be blended with that of indemnity for individual claims without a sacrifice on the part of the United States of a principle of right. Every negotiation for indemnity necessarily presupposes that some wrong has been done, and that indemnity ought to be made; and the object of every treaty stipulation respecting it can only be to ascertain the extent of the injury, and to make provision for its adequate reparation. This is precisely the nature of the negotiation for American claims which has been for so many years the subject of discussion between the Governments of the United States and of France. The wrongs done to our citizens have never been denied, whilst their right to indemnity has been established by acts done by the French Government in cases depending upon the same principles under which they derive their claim. By consenting to connect with such a negotiation that relating to the eighth article of the Louisiana treaty the United States would abandon the principle upon which the whole discussion depends. When asking for reparation for acknowledged wrong the United States have been told that France will not discuss it with them unless they will first renounce their own sense of right and admit and discuss in connection with it a claim the justice of which they have hitherto constantly denied. In any negotiation commenced under such circumstances the situation of the parties would be unequal. By consenting to connect the pretensions of France under the eighth article of the Louisiana treaty with claims for indemnity for acknowledged injustice and injury the United States would be understood as admitting that those pretensions were well founded; that wrong had been done to France for which reparation ought to be made. The Government of the United States, not having yet been convinced that this is the case, can not consent to any arrangement which shall imply an admission so contrary to their deliberate sense of right.

I am authorized and prepared on behalf of the United States to enter upon a further discussion of the eighth article of the Louisiana treaty in any manner which may be desired, and by which they shall not be understood previously to admit that the construction of that article claimed by France is well founded; and also to renew the separate negotiation for American claims, embracing at the same time all just claims which French subjects may have upon the Government of the United States.

The change which has lately taken place in His Majesty's department of foreign affairs encourages the hope that this important subject will be candidly reconsidered; that the obstacles which have arrested the progress of the negotiation may be removed, and that the subjects of contestation between the two Governments may be ultimately adjusted upon such principles as may perpetuate the good understanding and harmony which have so long subsisted between the United States and France.

Should I, however, be disappointed in the result of this application, it is to be seriously apprehended that as the United States have not hitherto seen in the course of the discussion any just claim of France arising from the eighth article of the Louisiana treaty, so in the persevering refusal of the French Government to discuss and adjust the well-founded claims of citizens of the United States to indemnity for wrongs unless in connection with one which they are satisfied is unfounded the United States will ultimately perceive only a determination to deny justice to the claimants.

Permit me respectfully to request that at as early a day as your convenience will allow your excellency will favor me with an answer to this letter.

I embrace with pleasure this occasion to offer to your excellency the renewed assurance, etc.

JAMES BROWN.

WASHINGTON, *December 24, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d December, 1823, requesting that a negotiation should be opened with the British Government "for the cession of so much land on the island of Abaco at or near the Hole-in-the-Wall, and on such other places within the acknowledged dominions of that power on the islands, keys, or shoals of the Bahama Banks as may be necessary for the erection and support of light-houses, beacons, buoys, or floating lights for the security of navigation over or near the said banks, and to be used solely for that purpose," directions were given to the minister of the United States at London on the 1st of January, 1824, to communicate the purport of that resolution to the Government of Great Britain with a view to their acceding to the wish of this; and I transmit to the House copies of Mr. Rush's correspondence upon this subject, communicating the result of his application to the British Government.

JAMES MONROE.

WASHINGTON, *December 28, 1824.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 27th instant, requesting information explanatory of the character and objects of the visit of the naval officer of the United States commanding in the West Indies to the town of Faxyardo, in the island of Porto Rico, on the —— day of November last, I herewith transmit a report of the Secretary of the Navy, with a letter from Commodore Porter, which contains all the information in possession of the Executive on the subject.

Deeming the transactions adverted to of high importance, an order has been sent to Commodore Porter to repair hither without delay, that all the circumstances connected therewith may be fully investigated.

JAMES MONROE.

WASHINGTON, *January 5, 1825.*

To the Senate and House of Representatives of the United States:

As the term of my service in this high trust will expire at the end of the present session of Congress, I think it proper to invite your attention to an object very interesting to me, and which in the movement of our Government is deemed on principle equally interesting to the public. I have been long in the service of my country and in its most difficult conjunctures, as well abroad as at home, in the course of which I have had a control over the public moneys to a vast amount. If in the course of my service it shall appear on the most severe scrutiny, which I invite, that the public have sustained any loss by any act of mine, or of others for which I ought to be held responsible, I am willing to bear it. If, on the other hand, it shall appear on a view of the law and of precedents in other cases that justice has been withheld from me in any instance, as I have believed it to be in many, and greatly to my injury, it is submitted whether it ought not to be rendered. It is my wish that all matters of account and claims between my country and myself be settled with that strict regard to justice which is observed in settlements between individuals in private life. It would be gratifying to me, and it appears to be just, that the subject should be now examined in both respects with a view to a decision hereafter. No bill would, it is presumed, be presented for my signature which would operate either for or against me, and I would certainly sanction none in my favor. While here I can furnish testimony, applicable to any case, in both views, which a full investigation may require, and the committee to whom the subject may be referred, by reporting facts now with a view to a decision after my retirement, will allow time for further information and due consideration of all matters relating thereto. Settlements with a person in this trust, which could not be made with the accounting officers of the Government, should always be made by Congress and before the public. The cause of the delay in presenting these claims will be explained to the committee to whom the subject may be referred. It will, I presume, be made apparent that it was inevitable; that from the peculiar circumstances attending each case Congress alone could decide on it, and that from considerations of delicacy it would have been highly improper for me to have sought it from Congress at an earlier period than that which is now proposed—the expiration of my term in this high trust.

Other considerations appear to me to operate with great force in favor of the measure which I now propose. A citizen who has long served his country in its highest trusts has a right, if he has served with fidelity, to

enjoy undisturbed tranquillity and peace in his retirement. This he can not expect to do unless his conduct in all pecuniary concerns shall be placed by severe scrutiny on a basis not to be shaken. This, therefore, forms a strong motive with me for the inquiry which I now invite. The public may also derive considerable advantage from the precedent in the future movement of the Government. It being known that such scrutiny was made in my case, it may form a new and strong barrier against the abuse of the public confidence in future.

JAMES MONROE.

WASHINGTON, *January 10, 1825.*

To the House of Representatives of the United States:

I should hasten to communicate to you the documents called for by the resolution of the House of Representatives of the 4th instant, relating to the conduct of the officers of the Navy of the United States on the Pacific Ocean and of other public agents in South America, if such a communication might now be made consistently with the public interest or with justice to the parties concerned. In consequence of several charges which have been alleged against Commodore Stewart, touching his conduct while commanding the squadron of the United States on that sea, it has been deemed proper to suspend him from duty and to subject him to trial on these charges. It appearing also that some of those charges have been communicated to the Department by Mr. Prevost, political agent at this time of the United States at Peru, and heretofore at Buenos Ayres and Chile, and apparently with his sanction, and that charges have likewise been made against him by citizens of the United States engaged in commerce in that quarter, it has been thought equally just and proper that he should attend here, as well to furnish the evidence in his possession applicable to the charges exhibited against Commodore Stewart as to answer such as have been exhibited against himself.

In this stage the publication of those documents might tend to excite prejudices which might operate to the injury of both. It is important that the public servants in every station should perform their duty with fidelity, according to the injunctions of the law and the orders of the Executive in fulfillment thereof. It is peculiarly so that this should be done by the commanders of our squadrons, especially on distant seas, and by political agents who represent the United States with foreign powers, for reasons that are obvious in both instances. It is due to their rights and to the character of the Government that they be not censured without just cause, which can not be ascertained until, on a view of the charges, they are heard in their defense, and after a thorough and impartial investigation of their conduct. Under these circumstances it is thought that a communication at this time of those documents would not comport with the public interest nor with what is due to the parties concerned.

JAMES MONROE.

WASHINGTON, *January 13, 1825.*

To the Senate of the United States:

In compliance with two resolutions of the Senate, the first of the 21st and the second of the 23d December last, requesting information respecting the injuries which have been sustained by our citizens by piratical depredations, and other details connected therewith, and requesting also information of the measures which have been adopted for the suppression of piracy, and whether in the opinion of the Executive it will not be necessary to adopt other means for the accomplishment of the object, and, in that event, what other means it will be most advisable to recur to, I herewith transmit a report from the Secretary of State, and likewise a report from the Secretary of the Navy, with the documents referred to in each.

On the very important question submitted to the Executive as to the necessity of recurring to other more effectual means for the suppression of a practice so destructive of the lives and property of our citizens, I have to observe that three expedients occur—one by the pursuit of the offenders to the settled as well as the unsettled parts of the island from whence they issue, another by reprisal on the property of the inhabitants, and a third by the blockade of the ports of those islands. It will be obvious that neither of these measures can be resorted to in a spirit of amity with Spain otherwise than in a firm belief that neither the Government of Spain nor the government of either of the islands has the power to suppress that atrocious practice, and that the United States interposed their aid for the accomplishment of an object which is of equal importance to them as well as to us. Acting on this principle, the facts which justify the proceeding being universally known and felt by all engaged in commerce in that sea, it may fairly be presumed that neither will the Government of Spain nor the government of either of those islands complain of a resort to either of those measures, or to all of them, should such resort be necessary. It is therefore suggested that a power commensurate with either resource be granted to the Executive, to be exercised according to his discretion and as circumstances may imperiously require. It is hoped that the manifestation of a policy so decisive will produce the happiest result; that it will rid these seas and this hemisphere of this practice. This hope is strengthened by the belief that the Government of Spain and the governments of the islands, particularly of Cuba, whose chief is known here, will faithfully cooperate in such measures as may be necessary for the accomplishment of this very important object. To secure such cooperation will be the earnest desire and, of course, the zealous and persevering effort of the Executive.

JAMES MONROE.

WASHINGTON, *January 17, 1825.*

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification, a treaty which has been concluded by a commissioner duly authorized for

the purpose with the Quapaw Indians in Arkansas for the cession of their claim to the lands in that Territory. I transmit also a report from the Secretary of War, with other documents, relating to this subject.

JAMES MONROE.

JANUARY 17, 1825.

To the Senate of the United States:

Agreeably to the resolution of the Senate of 19th May last, requesting the President to cause to be laid before the Senate a report "shewing the amount of duties which shall have accrued on importations into the United States for the three quarters of a year ending June 30, 1824; also the amount of duties which would have accrued on the same importations at such higher rates of duty as may be imposed by any act of the present session of Congress," I herewith transmit a report from the Secretary of the Treasury, which contains the information required.

JAMES MONROE.

WASHINGTON, *January 18, 1825.*

To the Senate and House of Representatives of the United States:

I communicate herewith to both Houses of Congress copies of the convention between the United States and His Majesty the Emperor of all the Russias, concluded at St. Petersburg on the 5th (17th) of April last, which has been duly ratified on both sides, and the ratifications of which were exchanged on the 11th instant.

JAMES MONROE.

WASHINGTON, *January 20, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th of December, 1822, requesting the President to communicate "what progress has been made in the execution of the act of the last session entitled 'An act to abolish the Indian trading establishments,' with a report from the factories, respectively, as the same may be made to him," I herewith transmit a report from the Secretary of the Treasury, with documents, which contains the information requested.

JAMES MONROE.

WASHINGTON, *January 27, 1825.*

To the Senate and House of Representatives of the United States:

Being deeply impressed with the opinion that the removal of the Indian tribes from the lands which they now occupy within the limits of the several States and Territories to the country lying westward and northward thereof, within our acknowledged boundaries, is of very high importance to our Union, and may be accomplished on conditions and in a manner to

promote the interest and happiness of those tribes, the attention of the Government has been long drawn with great solicitude to the object. For the removal of the tribes within the limits of the State of Georgia the motive has been peculiarly strong, arising from the compact with that State whereby the United States are bound to extinguish the Indian title to the lands within it whenever it may be done peaceably and on reasonable conditions. In the fulfillment of this compact, I have thought that the United States should act with a generous spirit; that they should omit nothing which should comport with a liberal construction of the instrument and likewise be in accordance with the just rights of those tribes. From the view which I have taken of the subject I am satisfied that in the discharge of these important duties in regard to both the parties alluded to the United States will have to encounter no conflicting interests with either. On the contrary, that the removal of the tribes from the territory which they now inhabit to that which was designated in the message at the commencement of the session, which would accomplish the object for Georgia, under a well-digested plan for their government and civilization, which should be agreeable to themselves, would not only shield them from impending ruin, but promote their welfare and happiness. Experience has clearly demonstrated that in their present state it is impossible to incorporate them in such masses, in any form whatever, into our system. It has also demonstrated with equal certainty that without a timely anticipation of and provision against the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable.

The great object to be accomplished is the removal of these tribes to the territory designated on conditions which shall be satisfactory to themselves and honorable to the United States. This can be done only by conveying to each tribe a good title to an adequate portion of land to which it may consent to remove, and by providing for it there a system of internal government which shall protect their property from invasion, and, by the regular progress of improvement and civilization, prevent that degeneracy which has generally marked the transition from the one to the other state.

I transmit herewith a report from the Secretary of War, which presents the best estimate which can be formed, from the documents in that Department, of the number of Indians within our States and Territories and of the amount of lands held by the several tribes within each; of the state of the country lying northward and westward thereof, within our acknowledged boundaries; of the parts to which the Indian title has already been extinguished, and of the conditions on which other parts, in an amount which may be adequate to the object contemplated, may be obtained. By this report it appears that the Indian title has already been extinguished to extensive tracts in that quarter, and that other portions may be acquired to the extent desired on very moderate conditions. Satisfied I also am

that the removal proposed is not only practicable, but that the advantages attending it to the Indians may be made so apparent to them that all the tribes, even those most opposed, may be induced to accede to it at no very distant day.

The digest of such a government, with the consent of the Indians, which should be endowed with sufficient power to meet all the objects contemplated—to connect the several tribes together in a bond of amity and preserve order in each; to prevent intrusions on their property; to teach them by regular instruction the arts of civilized life and make them a civilized people—is an object of very high importance. It is the powerful consideration which we have to offer to these tribes as an inducement to relinquish the lands on which they now reside and to remove to those which are designated. It is not doubted that this arrangement will present considerations of sufficient force to surmount all their prejudices in favor of the soil of their nativity, however strong they may be. Their elders have sufficient intelligence to discern the certain progress of events in the present train, and sufficient virtue, by yielding to momentary sacrifices, to protect their families and posterity from inevitable destruction. They will also perceive that they may thus attain an elevation to which as communities they could not otherwise aspire.

To the United States the proposed arrangement offers many important advantages in addition to those which have been already enumerated. By the establishment of such a government over these tribes with their consent we become in reality their benefactors. The relation of conflicting interests which has heretofore existed between them and our frontier settlements will cease. There will be no more wars between them and the United States. Adopting such a government, their movement will be in harmony with us, and its good effect be felt throughout the whole extent of our territory to the Pacific. It may fairly be presumed that, through the agency of such a government, the condition of all the tribes inhabiting that vast region may be essentially improved; that permanent peace may be preserved with them, and our commerce be much extended.

With a view to this important object I recommend it to Congress to adopt, by solemn declaration, certain fundamental principles in accord with those above suggested, as the basis of such arrangements as may be entered into with the several tribes, to the strict observance of which the faith of the nation shall be pledged. I recommend it also to Congress to provide by law for the appointment of a suitable number of commissioners who shall, under the direction of the President, be authorized to visit and explain to the several tribes the objects of the Government, and to make with them, according to their instructions, such arrangements as shall be best calculated to carry those objects into effect.

A negotiation is now depending with the Creek Nation for the cession of lands held by it within the limits of Georgia, and with a reasonable prospect of success. It is presumed, however, that the result will not be

known during the present session of Congress. To give effect to this negotiation and to the negotiations which it is proposed to hold with all the other tribes within the limits of the several States and Territories on the principles and for the purposes stated, it is recommended that an adequate appropriation be now made by Congress.

JAMES MONROE.

WASHINGTON, *January 27, 1825.*

To the Senate of the United States:

I transmit to the Senate a treaty concluded in this city with a deputation from the Choctaw Indians, accompanied with the report from the Secretary of War, with a copy of the correspondence connected with the negotiations, for the advice and consent of the Senate.

JAMES MONROE.

WASHINGTON, *February 2, 1825.*

To the Senate and House of Representatives of the United States:

I communicate herewith to both Houses of Congress copies of the alterations in the treaty of peace and friendship of August, 1797, between the United States and the Bashaw Bey of Tunis, concluded at the Palace of Bardo, near Tunis, on the 24th of February last, and of treaties between the United States and the Sock and Fox tribes of Indians and the Ioway tribe of Indians, concluded at the city of Washington on the 4th of August last, which have been duly ratified.

JAMES MONROE.

WASHINGTON, *February 4, 1825.*

The PRESIDENT PRO TEMPORE OF THE SENATE:

It appearing by certain provisions contained in a late act of the general assembly of Virginia, entitled "An act incorporating the Chesapeake and Ohio Canal Company," that the assent of Congress will be necessary to carry the said act into effect, I herewith transmit a copy thereof, that it may be considered with a view to the object contemplated.

JAMES MONROE.

[The same message was sent to the House of Representatives.]

WASHINGTON, *February 7, 1825.*

To the House of Representatives of the United States:

I transmit herewith to the House a report from the Secretary of State, with copies of the correspondence relating to the claims of the citizens of the United States upon the Government of the Netherlands, requested by a resolution of the House of the 18th of January last.

JAMES MONROE.

WASHINGTON, *February 11, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of January 5, I herewith transmit a report from the Secretary of the Navy, with copies of the proceedings of the courts-martial in the cases of Lieutenants Weaver and Conner.

JAMES MONROE.

WASHINGTON, *February 14, 1825.*

To the Senate and House of Representatives of the United States:

I herewith transmit a report from the Secretary of War, with a report to him by the Chief Engineer, of the examination which has been made by the Board of Engineers for Internal Improvement, in obedience to their instructions, of the country between the Potomac and Ohio rivers, between the latter and Lake Erie, between the Allegheny and Schuylkill rivers, the Delaware and the Raritan, between Buzzards and Barnstable bays, and the Narraganset roads and Boston Harbor, with explanatory observations on each route. From the view which I have taken of these reports I contemplate results of incalculable advantage to our Union, because I see in them the most satisfactory proof that certain impediments which had a tendency to embarrass the intercourse between some of its most important sections may be removed without serious difficulty, and that facilities may be afforded in other quarters which will have the happiest effect. Of the right in Congress to promote these great results by the appropriation of the public money, in harmony with the States to be affected by them, having already communicated my sentiments fully and on mature consideration, I deem it unnecessary to enlarge at this time.

JAMES MONROE.

WASHINGTON, *February 16, 1825.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, containing the information called for by their resolution of the 1st of this month, touching the capture and detention of American fishermen during the last season.

JAMES MONROE.

WASHINGTON, *February 17, 1825.*

To the House of Representatives of the United States:

I herewith transmit to the House a report from the Secretary of State, with copies of the correspondence with the Government of France, requested by the resolution of the House of the 25th of January last.

JAMES MONROE.

WASHINGTON, *February 17, 1825.*

To the Senate and House of Representatives of the United States:

I invite the attention of Congress to the peculiar situation of this District in regard to the exposure of its inhabitants to contagious diseases from abroad, against which it is thought that adequate provision should now be made. The exposure being common to the whole District, the regulation should apply to the whole, to make which Congress alone possesses the adequate power. That the regulation should be made by Congress is the more necessary from the consideration that this being the seat of the Government, its protection against such diseases must form one of its principal objects.

JAMES MONROE.

WASHINGTON, *February 21, 1825.*

To the Senate and House of Representatives of the United States:

I transmit herewith a report from the Secretary of War, with a report to him from the Third Auditor, of the settlement in the amount stated of the claims of the State of Massachusetts for services rendered by the militia of that State in the late war, the payment of which has hitherto been prevented by causes which are well known to Congress. Having communicated my sentiments on this subject fully in a message bearing date on the 23d of February, 1824, it is unnecessary to repeat in detail here what I there advanced. By recurring to that message and to the documents referred to in it it will be seen that the conduct of the executive of that State in refusing to place the militia thereof at that difficult conjuncture under the direction of the Executive of the United States, as it was bound to do by a fair construction of the Constitution, and as the other States did, is the great cause to which the difficulty adverted to is to be ascribed. It will also be seen on a view of those documents that the executive of the State was warned at the time if it persevered in the refusal that the consequences which have followed would be inevitable; that the attitude assumed by the State formed a case which was not contemplated by the existing laws of the United States relating to militia services; that the payment of the claims of the State for such services could be provided for by Congress only and by a special law for the purpose. Having made this communication while acting in the Department of War to the governor of Massachusetts, with the sanction and under the direction of my enlightened and virtuous predecessor, it would be improper in any view which may be taken of the subject for me to change the ground then assumed, to withdraw this great question from the consideration of Congress, and to act on it myself. Had the Executive been in error, it is entitled to censure, making a just allowance for the motive which guided it. If its conduct was correct, the ground then assumed ought to be maintained by it. It belongs to Congress alone to terminate

this distressing incident on just principles, with a view to the highest interests of our Union.

From the view which I have taken of the subject I am confirmed in the opinion that Congress should now decide on the claim and allow to the State such portions thereof as are founded on the principles laid down in the former message. If those principles are correct, as on great consideration I am satisfied they are, it appears to me to be just in itself and of high importance that the sums which may be due in conformity therewith should no longer be withheld from the State.

JAMES MONROE.

WASHINGTON, *February 21, 1825.*

The PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention, signed by the plenipotentiaries of the United States and of the Republic of Colombia at Bogota on the 10th of December, 1824, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *February 21, 1825.*

The PRESIDENT OF THE SENATE PRO TEMPORE:

I transmit to the Senate a convention of general peace, amity, navigation, and commerce, signed by the plenipotentiaries of the United States and of the Republic of Colombia at Bogota on the 3d of October, 1824, together with the documents appertaining to the negotiation of the same, for the constitutional consideration of the Senate with regard to its ratification.

JAMES MONROE.

WASHINGTON, *February 23, 1825.*

To the House of Representatives:

I transmit to the House of Representatives a further report from the Secretary of State, in pursuance of their resolution of the 1st instant, with the papers to which it refers, upon the subject of the capture and detention of American fishermen the past season in the Bay of Fundy.

JAMES MONROE.

WASHINGTON, *February 25, 1825.*

To the Senate and House of Representatives:

I communicate herewith to both Houses of Congress copies of the treaties between the United States and the Quapaw Nation of Indians, concluded at Harringtons, in the Territory of Arkansas, on the 15th day of

November last, and between the United States and the Choctaw Nation of Indians, concluded at the city of Washington on the 20th day of January last, which have been duly ratified.

JAMES MONROE.

WASHINGTON, *February 26, 1825.*

To the Senate and House of Representatives of the United States:

Just before the termination of the last session an act entitled "An act concerning wrecks on the coast of Florida," which then passed, was presented to me with many others and approved, and, as I thought, signed. A report to that effect was then made to Congress. It appeared, however, after the adjournment that the evidence of such approbation had not been attached to it. Whether the act may be considered in force under such circumstances is a point on which it belongs not to me to decide. To remove all doubt on the subject, I submit to the consideration of Congress the propriety of passing a declaratory act to that effect.

JAMES MONROE.

WASHINGTON, *February 28, 1825.*

To the Senate of the United States:

I transmit to the Senate, for the exercise of its constitutional power, a treaty lately concluded at the Indian Springs, by commissioners of the United States duly authorized, with the chiefs of the Creek Nation, assembled there in council, with the documents connected therewith.

JAMES MONROE.

PROCLAMATION.

[From Senate Journal, Eighteenth Congress, second session, p. 269.]

WASHINGTON, *January 19, 1825.*

The President of the United States to ——, Senator for the State of ——:

Certain matters touching the public good requiring that the Senate of the United States should be convened on Friday, the 4th day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day, then and there to receive and deliberate on such communications as shall be made to you.

JAMES MONROE.

John Quincy Adams

March 4, 1825, to March 4, 1829

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

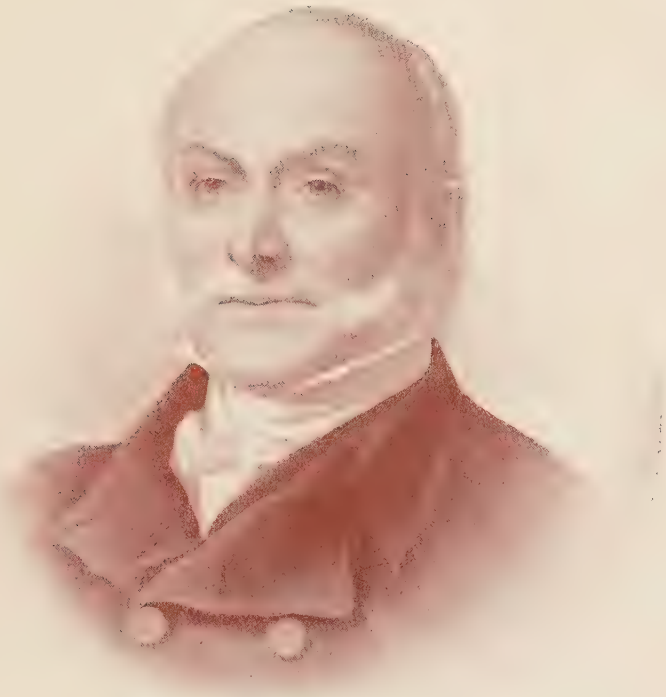
Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

BIRTHPLACE AT BRAINTREE, MASS., OF

JOHN QUINCY ADAMS

With official portrait engraved from copy of original in steel



John Quincy Adams.

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John Quincy Adams

JOHN QUINCY ADAMS, sixth President of the United States, eldest son of John Adams, second President, was born at Braintree, Mass., July 11, 1767. He enjoyed peculiar and rare advantages for education. In childhood he was instructed by his mother, a granddaughter of Colonel John Quincy, and a woman of superior talents. In 1778, when only 11 years old, he accompanied his father to France; attended a school in Paris, and returned home in August, 1779. Having been taken again to Europe by his father in 1780, he pursued his studies at the University of Leyden, where he learned Latin and Greek. In July, 1781, at the age of 14, he was appointed private secretary to Francis Dana, minister to Russia. He remained at St. Petersburg until October, 1782, after which he resumed his studies at The Hague. Was present at the signing of the definitive treaty of peace in Paris, September 3, 1783. He passed some months with his father in London, and returned to the United States to complete his education, entering Harvard College in 1786 and graduating in 1788. He studied law with the celebrated Theophilus Parsons, of Newburyport; was admitted to the bar in 1791, and began to practice in Boston. In 1791 he published in the Boston Centinel, under the signature of "Publicola," a series of able essays, in which he exposed the fallacies and vagaries of the French political reformers. These papers attracted much attention in Europe and the United States. Under the signature of "Marcellus" he wrote, in 1793, several articles, in which he argued that the United States should observe strict neutrality in the war between the French and the British. These writings commended him to the favor of Washington, and he was appointed minister to Holland in May, 1794. In July, 1797, he married Louisa Catherine Johnson, a daughter of Joshua Johnson, of Maryland, who was then American consul at London. In a letter dated February 20, 1797, Washington commended him highly to the elder Adams, and advised the President elect not to withhold promotion from him because he was his son. He was accordingly appointed minister to Berlin in 1797. He negotiated a treaty of amity and commerce with the Prussian Government, and was recalled about February, 1801. He was elected a Senator of the United States by the Federalists of Massachusetts for the term beginning March, 1803. In 1805 he was appointed professor of rhetoric and belles-lettres at Harvard College, and accepted on condition that he should be permitted to attend to his Senatorial duties. He offended the Federalists by supporting Jefferson's embargo act, which was passed in December, 1807, and thus became connected with the Democratic party. He resigned his seat in the Senate

in March, 1808, declining to serve for the remainder of the term rather than obey the instructions of the Federalists. In March, 1809, he was appointed by President Madison minister to Russia. During his residence in that country he was nominated to be an associate justice of the Supreme Court of the United States, and confirmed February, 1811; but he declined the appointment. In 1813 Adams, Bayard, Clay, Russell, and Gallatin were appointed commissioners to negotiate a treaty of peace with Great Britain. They met the British diplomatists at Ghent, and after a protracted negotiation of six months signed a treaty of peace December 24, 1814. In the spring of 1815 he was appointed minister to the Court of St. James, remaining there until he was appointed by Mr. Monroe Secretary of State in 1817. In 1824 Adams, Jackson, Crawford, and Clay were candidates for the Presidency. Neither of the candidates having received a majority in the electoral colleges, the election devolved on the House of Representatives. Aided by the influence of Henry Clay, Mr. Adams received the votes of thirteen States, and was elected. He was defeated for reelection in 1828 by General Andrew Jackson. On the 4th of March, 1829, he retired to his estate at Quincy. In 1830 he was elected to Congress, and took his seat in December, 1831. He continued to represent his native district for seventeen years, during which time he was constantly at his post. On the 21st of February, 1848, while in his seat at the Capitol, he was stricken with paralysis, and died on the 23d of that month. He was buried at Quincy, Mass.

NOTIFICATION OF ELECTION.

Mr. Webster, from the committee appointed for that purpose yesterday, reported that the committee had waited on John Quincy Adams, of Massachusetts, and had notified him that in the recent election of a President of the United States, no person having received a majority of the votes of all the electors appointed, and the choice having consequently devolved upon the House of Representatives, that House, proceeding in the manner prescribed by the Constitution, did yesterday choose him to be President of the United States for four years, commencing on the 4th day of March next, and that the committee had received a written answer, which he presented to the House. Mr. Webster also reported that in further performance of its duty the committee had given the information of this election to the President.

FEBRUARY 10, 1825.

REPLY OF THE PRESIDENT ELECT.

WASHINGTON, *February 10, 1825.*

GENTLEMEN: In receiving this testimonial from the Representatives of the people and States of this Union I am deeply sensible to the circumstances under which it has been given. All my predecessors in the high

station to which the favor of the House now calls me have been honored with majorities of the electoral voices in their primary colleges. It has been my fortune to be placed by the divisions of sentiment prevailing among our countrymen on this occasion in competition, friendly and honorable, with three of my fellow-citizens, all justly enjoying in eminent degrees the public favor, and of whose worth, talents, and services no one entertains a higher and more respectful sense than myself. The names of two of them were, in the fulfillment of the provisions of the Constitution, presented to the selection of the House in concurrence with my own—names closely associated with the glory of the nation, and one of them further recommended by a larger minority of the primary electoral suffrages than mine.

In this state of things, could my refusal to accept the trust thus delegated to me give an immediate opportunity to the people to form and to express with a nearer approach to unanimity the object of their preference, I should not hesitate to decline the acceptance of this eminent charge and to submit the decision of this momentous question again to their determination. But the Constitution itself has not so disposed of the contingency which would arise in the event of my refusal. I shall therefore repair to the post assigned me by the call of my country, signified through her constitutional organs, oppressed with the magnitude of the task before me, but cheered with the hope of that generous support from my fellow-citizens which, in the vicissitudes of a life devoted to their service, has never failed to sustain me, confident in the trust that the wisdom of the legislative councils will guide and direct me in the path of my official duty, and relying above all upon the superintending providence of that Being in whose hands our breath is and whose are all our ways.

Gentlemen, I pray you to make acceptable to the House the assurance of my profound gratitude for their confidence, and to accept yourselves my thanks for the friendly terms in which you have communicated to me their decision.

JOHN QUINCY ADAMS.

LETTER FROM THE PRESIDENT ELECT.

CITY OF WASHINGTON, *March 1, 1825.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: I ask the favor of you to inform the honorable Senate of the United States that I propose to take the oath prescribed by the Constitution to the President of the United States before he enters on the execution of his office, on Friday, the 4th instant, at 12 o'clock, in the Hall of the House of Representatives.

I have the honor to be, with the highest respect, sir, your very humble and obedient servant,

JOHN QUINCY ADAMS.

INAUGURAL ADDRESS.

In compliance with an usage coeval with the existence of our Federal Constitution, and sanctioned by the example of my predecessors in the career upon which I am about to enter, I appear, my fellow-citizens, in your presence and in that of Heaven to bind myself by the solemnities of religious obligation to the faithful performance of the duties allotted to me in the station to which I have been called.

In unfolding to my countrymen the principles by which I shall be governed in the fulfillment of those duties my first resort will be to that Constitution which I shall swear to the best of my ability to preserve, protect, and defend. That revered instrument enumerates the powers and prescribes the duties of the Executive Magistrate, and in its first words declares the purposes to which these and the whole action of the Government instituted by it should be invariably and sacredly devoted—to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to the people of this Union in their successive generations. Since the adoption of this social compact one of these generations has passed away. It is the work of our forefathers. Administered by some of the most eminent men who contributed to its formation, through a most eventful period in the annals of the world, and through all the vicissitudes of peace and war incidental to the condition of associated man, it has not disappointed the hopes and aspirations of those illustrious benefactors of their age and nation. It has promoted the lasting welfare of that country so dear to us all; it has to an extent far beyond the ordinary lot of humanity secured the freedom and happiness of this people. We now receive it as a precious inheritance from those to whom we are indebted for its establishment, doubly bound by the examples which they have left us and by the blessings which we have enjoyed as the fruits of their labors to transmit the same unimpaired to the succeeding generation.

In the compass of thirty-six years since this great national covenant was instituted a body of laws enacted under its authority and in conformity with its provisions has unfolded its powers and carried into practical operation its effective energies. Subordinate departments have distributed the executive functions in their various relations to foreign affairs, to the revenue and expenditures, and to the military force of the Union by land and sea. A coordinate department of the judiciary has expounded the Constitution and the laws, settling in harmonious coincidence with the legislative will numerous weighty questions of construction which the imperfection of human language had rendered unavoidable. The year of jubilee since the first formation of our Union has just elapsed; that of the declaration of our independence is at hand. The consummation of both was effected by this Constitution.

Since that period a population of four millions has multiplied to twelve. A territory bounded by the Mississippi has been extended from sea to sea. New States have been admitted to the Union in numbers nearly equal to those of the first Confederation. Treaties of peace, amity, and commerce have been concluded with the principal dominions of the earth. The people of other nations, inhabitants of regions acquired not by conquest, but by compact, have been united with us in the participation of our rights and duties, of our burdens and blessings. The forest has fallen by the ax of our woodsmen; the soil has been made to teem by the tillage of our farmers; our commerce has whitened every ocean. The dominion of man over physical nature has been extended by the invention of our artists. Liberty and law have marched hand in hand. All the purposes of human association have been accomplished as effectively as under any other government on the globe, and at a cost little exceeding in a whole generation the expenditure of other nations in a single year.

Such is the unexaggerated picture of our condition under a Constitution founded upon the republican principle of equal rights. To admit that this picture has its shades is but to say that it is still the condition of men upon earth. From evil—physical, moral, and political—it is not our claim to be exempt. We have suffered sometimes by the visitation of Heaven through disease; often by the wrongs and injustice of other nations, even to the extremities of war; and, lastly, by dissensions among ourselves—dissensions perhaps inseparable from the enjoyment of freedom, but which have more than once appeared to threaten the dissolution of the Union, and with it the overthrow of all the enjoyments of our present lot and all our earthly hopes of the future. The causes of these dissensions have been various, founded upon differences of speculation in the theory of republican government; upon conflicting views of policy in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices and prepossessions which strangers to each other are ever apt to entertain.

It is a source of gratification and of encouragement to me to observe that the great result of this experiment upon the theory of human rights has at the close of that generation by which it was formed been crowned with success equal to the most sanguine expectations of its founders. Union, justice, tranquillity, the common defense, the general welfare, and the blessings of liberty—all have been promoted by the Government under which we have lived. Standing at this point of time, looking back to that generation which has gone by and forward to that which is advancing, we may at once indulge in grateful exultation and in cheering hope. From the experience of the past we derive instructive lessons for the future. Of the two great political parties which have divided the opinions and feelings of our country, the candid and the just will now admit that both have contributed splendid talents, spotless integrity, ardent patriotism, and disinterested sacrifices to the formation and administration of this

Government, and that both have required a liberal indulgence for a portion of human infirmity and error. The revolutionary wars of Europe, commencing precisely at the moment when the Government of the United States first went into operation under this Constitution, excited a collision of sentiments and of sympathies which kindled all the passions and imbittered the conflict of parties till the nation was involved in war and the Union was shaken to its center. This time of trial embraced a period of five and twenty years, during which the policy of the Union in its relations with Europe constituted the principal basis of our political divisions and the most arduous part of the action of our Federal Government. With the catastrophe in which the wars of the French Revolution terminated, and our own subsequent peace with Great Britain, this baneful weed of party strife was uprooted. From that time no difference of principle, connected either with the theory of government or with our intercourse with foreign nations, has existed or been called forth in force sufficient to sustain a continued combination of parties or to give more than wholesome animation to public sentiment or legislative debate. Our political creed is, without a dissenting voice that can be heard, that the will of the people is the source and the happiness of the people the end of all legitimate government upon earth; that the best security for the beneficence and the best guaranty against the abuse of power consists in the freedom, the purity, and the frequency of popular elections; that the General Government of the Union and the separate governments of the States are all sovereignties of limited powers, fellow-servants of the same masters, uncontrolled within their respective spheres, uncontrollable by encroachments upon each other; that the firmest security of peace is the preparation during peace of the defenses of war; that a rigorous economy and accountability of public expenditures should guard against the aggravation and alleviate when possible the burden of taxation; that the military should be kept in strict subordination to the civil power; that the freedom of the press and of religious opinion should be inviolate; that the policy of our country is peace and the ark of our salvation union are articles of faith upon which we are all now agreed. If there have been those who doubted whether a confederated representative democracy were a government competent to the wise and orderly management of the common concerns of a mighty nation, those doubts have been dispelled; if there have been projects of partial confederacies to be erected upon the ruins of the Union, they have been scattered to the winds; if there have been dangerous attachments to one foreign nation and antipathies against another, they have been extinguished. Ten years of peace, at home and abroad, have assuaged the animosities of political contention and blended into harmony the most discordant elements of public opinion. There still remains one effort of magnanimity, one sacrifice of prejudice and passion, to be made by the individuals throughout the nation who have heretofore followed the standards of political party. It is that of discarding

every remnant of rancor against each other, of embracing as countrymen and friends, and of yielding to talents and virtue alone that confidence which in times of contention for principle was bestowed only upon those who bore the badge of party communion.

The collisions of party spirit which originate in speculative opinions or in different views of administrative policy are in their nature transitory. Those which are founded on geographical divisions, adverse interests of soil, climate, and modes of domestic life are more permanent, and therefore, perhaps, more dangerous. It is this which gives inestimable value to the character of our Government, at once federal and national. It holds out to us a perpetual admonition to preserve alike and with equal anxiety the rights of each individual State in its own government and the rights of the whole nation in that of the Union. Whatsoever is of domestic concernment, unconnected with the other members of the Union or with foreign lands, belongs exclusively to the administration of the State governments. Whatsoever directly involves the rights and interests of the federative fraternity or of foreign powers is of the resort of this General Government. The duties of both are obvious in the general principle, though sometimes perplexed with difficulties in the detail. To respect the rights of the State governments is the inviolable duty of that of the Union; the government of every State will feel its own obligation to respect and preserve the rights of the whole. The prejudices everywhere too commonly entertained against distant strangers are worn away, and the jealousies of jarring interests are allayed by the composition and functions of the great national councils annually assembled from all quarters of the Union at this place. Here the distinguished men from every section of our country, while meeting to deliberate upon the great interests of those by whom they are deputed, learn to estimate the talents and do justice to the virtues of each other. The harmony of the nation is promoted and the whole Union is knit together by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship formed between the representatives of its several parts in the performance of their service at this metropolis.

Passing from this general review of the purposes and injunctions of the Federal Constitution and their results as indicating the first traces of the path of duty in the discharge of my public trust, I turn to the Administration of my immediate predecessor as the second. It has passed away in a period of profound peace, how much to the satisfaction of our country and to the honor of our country's name is known to you all. The great features of its policy, in general concurrence with the will of the Legislature, have been to cherish peace while preparing for defensive war; to yield exact justice to other nations and maintain the rights of our own; to cherish the principles of freedom and of equal rights wherever they were proclaimed; to discharge with all possible promptitude the national debt; to reduce within the narrowest limits of efficiency the military force;

to improve the organization and discipline of the Army; to provide and sustain a school of military science; to extend equal protection to all the great interests of the nation; to promote the civilization of the Indian tribes, and to proceed in the great system of internal improvements within the limits of the constitutional power of the Union. Under the pledge of these promises, made by that eminent citizen at the time of his first induction to this office, in his career of eight years the internal taxes have been repealed; sixty millions of the public debt have been discharged; provision has been made for the comfort and relief of the aged and indigent among the surviving warriors of the Revolution; the regular armed force has been reduced and its constitution revised and perfected; the accountability for the expenditure of public moneys has been made more effective; the Floridas have been peaceably acquired, and our boundary has been extended to the Pacific Ocean; the independence of the southern nations of this hemisphere has been recognized, and recommended by example and by counsel to the potentates of Europe; progress has been made in the defense of the country by fortifications and the increase of the Navy, toward the effectual suppression of the African traffic in slaves, in alluring the aboriginal hunters of our land to the cultivation of the soil and of the mind, in exploring the interior regions of the Union, and in preparing by scientific researches and surveys for the further application of our national resources to the internal improvement of our country.

In this brief outline of the promise and performance of my immediate predecessor the line of duty for his successor is clearly delineated. To pursue to their consummation those purposes of improvement in our common condition instituted or recommended by him will embrace the whole sphere of my obligations. To the topic of internal improvement, emphatically urged by him at his inauguration, I recur with peculiar satisfaction. It is that from which I am convinced that the unborn millions of our posterity who are in future ages to people this continent will derive their most fervent gratitude to the founders of the Union; that in which the beneficent action of its Government will be most deeply felt and acknowledged. The magnificence and splendor of their public works are among the imperishable glories of the ancient republics. The roads and aqueducts of Rome have been the admiration of all after ages, and have survived thousands of years after all her conquests have been swallowed up in despotism or become the spoil of barbarians. Some diversity of opinion has prevailed with regard to the powers of Congress for legislation upon objects of this nature. The most respectful deference is due to doubts originating in pure patriotism and sustained by venerated authority. But nearly twenty years have passed since the construction of the first national road was commenced. The authority for its construction was then unquestioned. To how many thousands of our countrymen has it proved a benefit? To what single individual has it ever proved an injury? Repeated, liberal, and candid discussions in the Legislature have

THE VANGUARD OF WESTERN EXPANSION

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The homebuilder did not strike out a path into the virgin forest and in a promising glade build his habitation. He came along in a process of evolution. Like foam on a wave, the vanguard of emigration was formed by pioneers, land jobbers and speculators. Hastening into the promising parts of the great West, they bought empires, without cash but on trust, as fast as surveyors could lay out townships. Then came a man whom they could induce to go no farther west but settle there, on the land they had for sale, which he might purchase with its timber or other produce. Completing the transaction they again rushed westward, and so continued toward the setting sun till the ague, Indians or hardship had killed them. Our purchaser meanwhile has cleared an acre, sowed a handful of wheat and girdled a dozen trees, but game does not seem sufficiently plentiful, and he won't know peace till he, too, is traveling westward. So after many exchanges, by each of which the clearing is improved, it falls into the hands of a man who determines that forevermore that glade in the forest, that bend in the stream, shall be home to him and his. Then the earth begins to bear fruit and so the wilderness is conquered.

Nearly every presidential message contains recommendations for the welfare of the emigrant. Under the heading, "Lands, Public," in the index (volume eleven), the story of the development of the West is told.

conciliated the sentiments and approximated the opinions of enlightened minds upon the question of constitutional power. I can not but hope that by the same process of friendly, patient, and persevering deliberation all constitutional objections will ultimately be removed. The extent and limitation of the powers of the General Government in relation to this transcendently important interest will be settled and acknowledged to the common satisfaction of all, and every speculative scruple will be solved by a practical public blessing.

Fellow-citizens, you are acquainted with the peculiar circumstances of the recent election, which have resulted in affording me the opportunity of addressing you at this time. You have heard the exposition of the principles which will direct me in the fulfillment of the high and solemn trust imposed upon me in this station. Less possessed of your confidence in advance than any of my predecessors, I am deeply conscious of the prospect that I shall stand more and oftener in need of your indulgence. Intentions upright and pure, a heart devoted to the welfare of our country, and the unceasing application of all the faculties allotted to me to her service are all the pledges that I can give for the faithful performance of the arduous duties I am to undertake. To the guidance of the legislative councils, to the assistance of the executive and subordinate departments, to the friendly cooperation of the respective State governments, to the candid and liberal support of the people so far as it may be deserved by honest industry and zeal, I shall look for whatever success may attend my public service; and knowing that "except the Lord keep the city the watchman waketh but in vain," with fervent supplications for His favor, to His overruling providence I commit with humble but fearless confidence my own fate and the future destinies of my country.

MARCH 4, 1825.

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 6, 1825.*

Fellow-Citizens of the Senate and of the House of Representatives:

In taking a general survey of the concerns of our beloved country, with reference to subjects interesting to the common welfare, the first sentiment which impresses itself upon the mind is of gratitude to the Omnipotent Disposer of All Good for the continuance of the signal blessings of His providence, and especially for that health which to an unusual extent has prevailed within our borders, and for that abundance which in the vicissitudes of the seasons has been scattered with profusion over our land. Nor ought we less to ascribe to Him the glory that we are permitted to enjoy the bounties of His hand in peace and tranquillity—in peace with

all the other nations of the earth, in tranquillity among ourselves. There has, indeed, rarely been a period in the history of civilized man in which the general condition of the Christian nations has been marked so extensively by peace and prosperity.

Europe, with a few partial and unhappy exceptions, has enjoyed ten years of peace, during which all her Governments, whatever the theory of their constitutions may have been, are successively taught to feel that the end of their institution is the happiness of the people, and that the exercise of power among men can be justified only by the blessings it confers upon those over whom it is extended.

During the same period our intercourse with all those nations has been pacific and friendly; it so continues. Since the close of your last session no material variation has occurred in our relations with any one of them. In the commercial and navigation system of Great Britain important changes of municipal regulation have recently been sanctioned by acts of Parliament, the effect of which upon the interests of other nations, and particularly upon ours, has not yet been fully developed. In the recent renewal of the diplomatic missions on both sides between the two Governments assurances have been given and received of the continuance and increase of the mutual confidence and cordiality by which the adjustment of many points of difference had already been effected, and which affords the surest pledge for the ultimate satisfactory adjustment of those which still remain open or may hereafter arise.

The policy of the United States in their commercial intercourse with other nations has always been of the most liberal character. In the mutual exchange of their respective productions they have abstained altogether from prohibitions; they have interdicted themselves the power of laying taxes upon exports, and whenever they have favored their own shipping by special preferences or exclusive privileges in their own ports it has been only with a view to countervail similar favors and exclusions granted by the nations with whom we have been engaged in traffic to their own people or shipping, and to the disadvantage of ours. Immediately after the close of the last war a proposal was fairly made by the act of Congress of the 3d of March, 1815, to all the maritime nations to lay aside the system of retaliating restrictions and exclusions, and to place the shipping of both parties to the common trade on a footing of equality in respect to the duties of tonnage and impost. This offer was partially and successively accepted by Great Britain, Sweden, the Netherlands, the Hanseatic cities, Prussia, Sardinia, the Duke of Oldenburg, and Russia. It was also adopted, under certain modifications, in our late commercial convention with France, and by the act of Congress of the 8th January, 1824, it has received a new confirmation with all the nations who had acceded to it, and has been offered again to all those who are or may hereafter be willing to abide in reciprocity by it. But all these regulations, whether established by treaty or by municipal enactments, are still subject to one important restriction.

The removal of discriminating duties of tonnage and of impost is limited to articles of the growth, produce, or manufacture of the country to which the vessel belongs or to such articles as are most usually first shipped from her ports. It will deserve the serious consideration of Congress whether even this remnant of restriction may not be safely abandoned, and whether the general tender of equal competition made in the act of 8th January, 1824, may not be extended to include all articles of merchandise not prohibited, of what country soever they may be the produce or manufacture. Propositions to this effect have already been made to us by more than one European Government, and it is probable that if once established by legislation or compact with any distinguished maritime state it would recommend itself by the experience of its advantages to the general accession of all.

The convention of commerce and navigation between the United States and France, concluded on the 24th of June, 1822, was, in the understanding and intent of both parties, as appears upon its face, only a temporary arrangement of the points of difference between them of the most immediate and pressing urgency. It was limited in the first instance to two years from the 1st of October, 1822, but with a proviso that it should further continue in force till the conclusion of a general and definitive treaty of commerce, unless terminated by a notice, six months in advance, of either of the parties to the other. Its operation so far as it extended has been mutually advantageous, and it still continues in force by common consent. But it left unadjusted several objects of great interest to the citizens and subjects of both countries, and particularly a mass of claims to considerable amount of citizens of the United States upon the Government of France of indemnity for property taken or destroyed under circumstances of the most aggravated and outrageous character. In the long period during which continual and earnest appeals have been made to the equity and magnanimity of France in behalf of these claims their justice has not been, as it could not be, denied. It was hoped that the accession of a new Sovereign to the throne would have afforded a favorable opportunity for presenting them to the consideration of his Government. They have been presented and urged hitherto without effect. The repeated and earnest representations of our minister at the Court of France remain as yet even without an answer. Were the demands of nations upon the justice of each other susceptible of adjudication by the sentence of an impartial tribunal, those to which I now refer would long since have been settled and adequate indemnity would have been obtained. There are large amounts of similar claims upon the Netherlands, Naples and Denmark. For those upon Spain prior to 1819 indemnity was, after many years of patient forbearance, obtained; and those upon Sweden have been lately compromised by a private settlement, in which the claimants themselves have acquiesced. The Governments of Denmark and of Naples have been recently reminded of those yet existing against them,

nor will any of them be forgotten while a hope may be indulged of obtaining justice by the means within the constitutional power of the Executive, and without resorting to those means of self-redress which, as well as the time, circumstances, and occasion which may require them, are within the exclusive competency of the Legislature.

It is with great satisfaction that I am enabled to bear witness to the liberal spirit with which the Republic of Colombia has made satisfaction for well-established claims of a similar character, and among the documents now communicated to Congress will be distinguished a treaty of commerce and navigation with that Republic, the ratifications of which have been exchanged since the last recess of the Legislature. The negotiation of similar treaties with all the independent South American States has been contemplated and may yet be accomplished. The basis of them all, as proposed by the United States, has been laid in two principles—the one of entire and unqualified reciprocity, the other the mutual obligation of the parties to place each other permanently upon the footing of the most favored nation. These principles are, indeed, indispensable to the effectual emancipation of the American hemisphere from the thraldom of colonizing monopolies and exclusions, an event rapidly realizing in the progress of human affairs, and which the resistance still opposed in certain parts of Europe to the acknowledgment of the Southern American Republics as independent States will, it is believed, contribute more effectually to accomplish. The time has been, and that not remote, when some of those States might, in their anxious desire to obtain a nominal recognition, have accepted of a nominal independence, clogged with burdensome conditions, and exclusive commercial privileges granted to the nation from which they have separated to the disadvantage of all others. They are all now aware that such concessions to any European nation would be incompatible with that independence which they have declared and maintained.

Among the measures which have been suggested to them by the new relations with one another, resulting from the recent changes in their condition, is that of assembling at the Isthmus of Panama a congress, at which each of them should be represented, to deliberate upon objects important to the welfare of all. The Republics of Colombia, of Mexico, and of Central America have already deputed plenipotentiaries to such a meeting, and they have invited the United States to be also represented there by their ministers. The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them so far as may be compatible with that neutrality from which it is neither our intention nor the desire of the other American States that we should depart.

The commissioners under the seventh article of the treaty of Ghent have so nearly completed their arduous labors that, by the report recently received from the agent on the part of the United States, there is reason to

expect that the commission will be closed at their next session, appointed for the 22d of May of the ensuing year.

The other commission, appointed to ascertain the indemnities due for slaves carried away from the United States after the close of the late war, have met with some difficulty, which has delayed their progress in the inquiry. A reference has been made to the British Government on the subject, which, it may be hoped, will tend to hasten the decision of the commissioners, or serve as a substitute for it.

Among the powers specifically granted to Congress by the Constitution are those of establishing uniform laws on the subject of bankruptcies throughout the United States and of providing for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States. The magnitude and complexity of the interests affected by legislation upon these subjects may account for the fact that, long and often as both of them have occupied the attention and animated the debates of Congress, no systems have yet been devised for fulfilling to the satisfaction of the community the duties prescribed by these grants of power. To conciliate the claim of the individual citizen to the enjoyment of personal liberty, with the effective obligation of private contracts, is the difficult problem to be solved by a law of bankruptcy. These are objects of the deepest interest to society, affecting all that is precious in the existence of multitudes of persons, many of them in the classes essentially dependent and helpless, of the age requiring nurture, and of the sex entitled to protection from the free agency of the parent and the husband. The organization of the militia is yet more indispensable to the liberties of the country. It is only by an effective militia that we can at once enjoy the repose of peace and bid defiance to foreign aggression; it is by the militia that we are constituted an armed nation, standing in perpetual panoply of defense in the presence of all the other nations of the earth. To this end it would be necessary, if possible, so to shape its organization as to give it a more united and active energy. There are laws for establishing an uniform militia throughout the United States and for arming and equipping its whole body. But it is a body of dislocated members, without the vigor of unity and having little of uniformity but the name. To infuse into this most important institution the power of which it is susceptible and to make it available for the defense of the Union at the shortest notice and at the smallest expense possible of time, of life, and of treasure are among the benefits to be expected from the persevering deliberations of Congress.

Among the unequivocal indications of our national prosperity is the flourishing state of our finances. The revenues of the present year, from all their principal sources, will exceed the anticipations of the last. The balance in the Treasury on the 1st of January last was a little short of $2,000,000, exclusive of two millions and a half, being the moiety of the

loan of five millions authorized by the act of 26th of May, 1824. The receipts into the Treasury from the 1st of January to the 30th of September, exclusive of the other moiety of the same loan, are estimated at $16,500,000, and it is expected that those of the current quarter will exceed $5,000,000, forming an aggregate of receipts of nearly twenty-two millions, independent of the loan. The expenditures of the year will not exceed that sum more than two millions. By those expenditures nearly eight millions of the principal of the public debt have been discharged. More than a million and a half has been devoted to the debt of gratitude to the warriors of the Revolution; a nearly equal sum to the construction of fortifications and the acquisition of ordnance and other permanent preparations of national defense; half a million to the gradual increase of the Navy; an equal sum for purchases of territory from the Indians and payment of annuities to them; and upward of a million for objects of internal improvement authorized by special acts of the last Congress. If we add to these $4,000,000 for payment of interest upon the public debt, there remains a sum of about seven millions, which have defrayed the whole expense of the administration of Government in its legislative, executive, and judiciary departments, including the support of the military and naval establishments and all the occasional contingencies of a government coextensive with the Union.

The amount of duties secured on merchandise imported since the commencement of the year is about twenty-five millions and a half, and that which will accrue during the current quarter is estimated at five millions and a half; from these thirty-one millions, deducting the drawbacks, estimated at less than seven millions, a sum exceeding twenty-four millions will constitute the revenue of the year, and will exceed the whole expenditures of the year. The entire amount of the public debt remaining due on the 1st of January next will be short of $81,000,000.

By an act of Congress of the 3d of March last a loan of $12,000,000 was authorized at 4½ per cent, or an exchange of stock to that amount of 4½ per cent for a stock of 6 per cent, to create a fund for extinguishing an equal amount of the public debt, bearing an interest of 6 per cent, redeemable in 1826. An account of the measures taken to give effect to this act will be laid before you by the Secretary of the Treasury. As the object which it had in view has been but partially accomplished, it will be for the consideration of Congress whether the power with which it clothed the Executive should not be renewed at an early day of the present session, and under what modifications.

The act of Congress of the 3d of March last, directing the Secretary of the Treasury to subscribe, in the name and for the use of the United States, for 1,500 shares of the capital stock of the Chesapeake and Delaware Canal Company, has been executed by the actual subscription for the amount specified; and such other measures have been adopted by that officer, under the act, as the fulfillment of its intentions requires.

The latest accounts received of this important undertaking authorize the belief that it is in successful progress.

The payments into the Treasury from the proceeds of the sales of the public lands during the present year were estimated at $1,000,000. The actual receipts of the first two quarters have fallen very little short of that sum; it is not expected that the second half of the year will be equally productive, but the income of the year from that source may now be safely estimated at a million and a half. The act of Congress of 18th May, 1824, to provide for the extinguishment of the debt due to the United States by the purchasers of public lands, was limited in its operation of relief tc the purchaser to the 10th of April last. Its effect at the end of the quarter during which it expired was to reduce that debt from ten to seven millions. By the operation of similar prior laws of relief, from and since that of 2d March, 1821, the debt had been reduced from upward of twenty-two millions to ten. It is exceedingly desirable that it should be extinguished altogether; and to facilitate that consummation I recommend to Congress the revival for one year more of the act of 18th May, 1824, with such provisional modification as may be necessary to guard the public interests against fraudulent practices in the resale of the relinquished land. The purchasers of public lands are among the most useful of our fellow-citizens, and since the system of sales for cash alone has been introduced great indulgence has been justly extended to those who had previously purchased upon credit. The debt which had been contracted under the credit sales had become unwieldy, and its extinction was alike advantageous to the purchaser and to the public. Under the system of sales, matured as it has been by experience, and adapted to the exigencies of the times, the lands will continue as they have become, an abundant source of revenue; and when the pledge of them to the public creditor shall have been redeemed by the entire discharge of the national debt, the swelling tide of wealth with which they replenish the common Treasury may be made to reflow in unfailing streams of improvement from the Atlantic to the Pacific Ocean.

The condition of the various branches of the public service resorting from the Department of War, and their administration during the current year, will be exhibited in the report of the Secretary of War and the accompanying documents herewith communicated. The organization and discipline of the Army are effective and satisfactory. To counteract the prevalence of desertion among the troops it has been suggested to withhold from the men a small portion of their monthly pay until the period of their discharge; and some expedient appears to be necessary to preserve and maintain among the officers so much of the art of horsemanship as could scarcely fail to be found wanting on the possible sudden eruption of a war, which should take us unprovided with a single corps of cavalry. The Military Academy at West Point, under the restrictions of a severe but paternal superintendence, recommends itself more and

more to the patronage of the nation, and the numbers of meritorious officers which it forms and introduces to the public service furnishes the means of multiplying the undertakings of public improvements to which their acquirements at that institution are peculiarly adapted. The school of artillery practice established at Fortress Monroe is well suited to the same purpose, and may need the aid of further legislative provision to the same end. The reports of the various officers at the head of the administrative branches of the military service, connected with the quartering, clothing, subsistence, health, and pay of the Army, exhibit the assiduous vigilance of those officers in the performance of their respective duties, and the faithful accountability which has pervaded every part of the system.

Our relations with the numerous tribes of aboriginal natives of this country, scattered over its extensive surface and so dependent even for their existence upon our power, have been during the present year highly interesting. An act of Congress of 25th of May, 1824, made an appropriation to defray the expenses of making treaties of trade and friendship with the Indian tribes beyond the Mississippi. An act of 3d of March, 1825, authorized treaties to be made with the Indians for their consent to the making of a road from the frontier of Missouri to that of New Mexico, and another act of the same date provided for defraying the expenses of holding treaties with the Sioux, Chippeways, Menomenees, Sauks, Foxes, etc., for the purpose of establishing boundaries and promoting peace between said tribes. The first and the last objects of these acts have been accomplished, and the second is yet in a process of execution. The treaties which since the last session of Congress have been concluded with the several tribes will be laid before the Senate for their consideration conformably to the Constitution. They comprise large and valuable acquisitions of territory, and they secure an adjustment of boundaries and give pledges of permanent peace between several tribes which had been long waging bloody wars against each other.

On the 12th of February last a treaty was signed at the Indian Springs between commissioners appointed on the part of the United States and certain chiefs and individuals of the Creek Nation of Indians, which was received at the seat of Government only a very few days before the close of the last session of Congress and of the late Administration. The advice and consent of the Senate was given to it on the 3d of March, too late for it to receive the ratification of the then President of the United States; it was ratified on the 7th of March, under the unsuspecting impression that it had been negotiated in good faith and in the confidence inspired by the recommendation of the Senate. The subsequent transactions in relation to this treaty will form the subject of a separate communication.

The appropriations made by Congress for public works, as well in the construction of fortifications as for purposes of internal improvement, so far as they have been expended, have been faithfully applied. Their

progress has been delayed by the want of suitable officers for superintending them. An increase of both the corps of engineers, military and topographical, was recommended by my predecessor at the last session of Congress. The reasons upon which that recommendation was founded subsist in all their force and have acquired additional urgency since that time. It may also be expedient to organize the topographical engineers into a corps similar to the present establishment of the Corps of Engineers. The Military Academy at West Point will furnish from the cadets annually graduated there officers well qualified for carrying this measure into effect.

The Board of Engineers for Internal Improvement, appointed for carrying into execution the act of Congress of 30th of April, 1824, "to procure the necessary surveys, plans, and estimates on the subject of roads and canals," have been actively engaged in that service from the close of the last session of Congress. They have completed the surveys necessary for ascertaining the practicability of a canal from the Chesapeake Bay to the Ohio River, and are preparing a full report on that subject, which, when completed, will be laid before you. The same observation is to be made with regard to the two other objects of national importance upon which the Board have been occupied, namely, the accomplishment of a national road from this city to New Orleans, and the practicability of uniting the waters of Lake Memphramagog with Connecticut River and the improvement of the navigation of that river. The surveys have been made and are nearly completed. The report may be expected at an early period during the present session of Congress.

The acts of Congress of the last session relative to the surveying, marking, or laying out roads in the Territories of Florida, Arkansas, and Michigan, from Missouri to Mexico, and for the continuation of the Cumberland road, are, some of them, fully executed, and others in the process of execution. Those for completing or commencing fortifications have been delayed only so far as the Corps of Engineers has been inadequate to furnish officers for the necessary superintendence of the works. Under the act confirming the statutes of Virginia and Maryland incorporating the Chesapeake and Ohio Canal Company, three commissioners on the part of the United States have been appointed for opening books and receiving subscriptions, in concert with a like number of commissioners appointed on the part of each of those States. A meeting of the commissioners has been postponed, to await the definitive report of the board of engineers. The light-houses and monuments for the safety of our commerce and mariners, the works for the security of Plymouth Beach and for the preservation of the islands in Boston Harbor, have received the attention required by the laws relating to those objects respectively. The continuation of the Cumberland road, the most important of them all, after surmounting no inconsiderable difficulty in fixing upon the direction of the road, has commenced under the most promising auspices,

with the improvements of recent invention in the mode of construction, and with the advantage of a great reduction in the comparative cost of the work.

The operation of the laws relating to the Revolutionary pensioners may deserve the renewed consideration of Congress. The act of the 18th of March, 1818, while it made provision for many meritorious and indigent citizens who had served in the War of Independence, opened a door to numerous abuses and impositions. To remedy this the act of 1st May, 1820, exacted proofs of absolute indigence, which many really in want were unable and all susceptible of that delicacy which is allied to many virtues must be deeply reluctant to give. The result has been that some among the least deserving have been retained, and some in whom the requisites both of worth and want were combined have been stricken from the list. As the numbers of these venerable relics of an age gone by diminish; as the decays of body, mind, and estate of those that survive must in the common course of nature increase, should not a more liberal portion of indulgence be dealt out to them? May not the want in most instances be inferred from the demand when the service can be proved, and may not the last days of human infirmity be spared the mortification of purchasing a pittance of relief only by the exposure of its own necessities? I submit to Congress the expediency of providing for individual cases of this description by special enactment, or of revising the act of the 1st of May, 1820, with a view to mitigate the rigor of its exclusions in favor of persons to whom charity now bestowed can scarcely discharge the debt of justice.

The portion of the naval force of the Union in actual service has been chiefly employed on three stations—the Mediterranean, the coasts of South America bordering on the Pacific Ocean, and the West Indies. An occasional cruiser has been sent to range along the African shores most polluted by the traffic of slaves; one armed vessel has been stationed on the coast of our eastern boundary, to cruise along the fishing grounds in Hudsons Bay and on the coast of Labrador, and the first service of a new frigate has been performed in restoring to his native soil and domestic enjoyments the veteran hero whose youthful blood and treasure had freely flowed in the cause of our country's independence, and whose whole life has been a series of services and sacrifices to the improvement of his fellow-men. The visit of General Lafayette, alike honorable to himself and to our country, closed, as it had commenced, with the most affecting testimonials of devoted attachment on his part, and of unbounded gratitude of this people to him in return. It will form hereafter a pleasing incident in the annals of our Union, giving to real history the intense interest of romance and signally marking the unpurchasable tribute of a great nation's social affections to the disinterested champion of the liberties of human-kind.

The constant maintenance of a small squadron in the Mediterranean

is a necessary substitute for the humiliating alternative of paying tribute for the security of our commerce in that sea, and for a precarious peace, at the mercy of every caprice of four Barbary States, by whom it was liable to be violated. An additional motive for keeping a respectable force stationed there at this time is found in the maritime war raging between the Greeks and the Turks, and in which the neutral navigation of this Union is always in danger of outrage and depredation. A few instances have occurred of such depredations upon our merchant vessels by privateers or pirates wearing the Grecian flag, but without real authority from the Greek or any other Government. The heroic struggles of the Greeks themselves, in which our warmest sympathies as freemen and Christians have been engaged, have continued to be maintained with vicissitudes of success adverse and favorable.

Similar motives have rendered expedient the keeping of a like force on the coasts of Peru and Chile on the Pacific. The irregular and convulsive character of the war upon the shores has been extended to the conflicts upon the ocean. An active warfare has been kept up for years with alternate success, though generally to the advantage of the American patriots. But their naval forces have not always been under the control of their own Governments. Blockades, unjustifiable upon any acknowledged principles of international law, have been proclaimed by officers in command, and though disavowed by the supreme authorities, the protection of our own commerce against them has been made cause of complaint and erroneous imputations against some of the most gallant officers of our Navy. Complaints equally groundless have been made by the commanders of the Spanish royal forces in those seas; but the most effective protection to our commerce has been the flag and the firmness of our own commanding officers. The cessation of the war by the complete triumph of the patriot cause has removed, it is hoped, all cause of dissension with one party and all vestige of force of the other. But an unsettled coast of many degrees of latitude forming a part of our own territory and a flourishing commerce and fishery extending to the islands of the Pacific and to China still require that the protecting power of the Union should be displayed under its flag as well upon the ocean as upon the land.

The objects of the West India Squadron have been to carry into execution the laws for the suppression of the African slave trade; for the protection of our commerce against vessels of piratical character, though bearing commissions from either of the belligerent parties; for its protection against open and unequivocal pirates. These objects during the present year have been accomplished more effectually than at any former period. The African slave trade has long been excluded from the use of our flag, and if some few citizens of our country have continued to set the laws of the Union as well as those of nature and humanity at defiance by persevering in that abominable traffic, it has been only by

sheltering themselves under the banners of other nations less earnest for the total extinction of the trade than ours. The irregular privateers have within the last year been in a great measure banished from those seas, and the pirates for months past appear to have been almost entirely swept away from the borders and the shores of the two Spanish islands in those regions. The active, persevering, and unremitted energy of Captain Warrington and of the officers and men under his command on that trying and perilous service have been crowned with signal success, and are entitled to the approbation of their country. But experience has shown that not even a temporary suspension or relaxation from assiduity can be indulged on that station without reproducing piracy and murder in all their horrors; nor is it probable that for years to come our immensely valuable commerce in those seas can navigate in security without the steady continuance of an armed force devoted to its protection.

It were, indeed, a vain and dangerous illusion to believe that in the present or probable condition of human society a commerce so extensive and so rich as ours could exist and be pursued in safety without the continual support of a military marine—the only arm by which the power of this Confederacy can be estimated or felt by foreign nations, and the only standing military force which can never be dangerous to our own liberties at home. A permanent naval peace establishment, therefore, adapted to our present condition, and adaptable to that gigantic growth with which the nation is advancing in its career, is among the subjects which have already occupied the foresight of the last Congress, and which will deserve your serious deliberations. Our Navy, commenced at an early period of our present political organization upon a scale commensurate with the incipient energies, the scanty resources, and the comparative indigence of our infancy, was even then found adequate to cope with all the powers of Barbary, save the first, and with one of the principal maritime powers of Europe.

At a period of further advancement, but with little accession of strength, it not only sustained with honor the most unequal of conflicts, but covered itself and our country with unfading glory. But it is only since the close of the late war that by the numbers and force of the ships of which it was composed it could deserve the name of a navy. Yet it retains nearly the same organization as when it consisted only of five frigates. The rules and regulations by which it is governed earnestly call for revision, and the want of a naval school of instruction, corresponding with the Military Academy at West Point, for the formation of scientific and accomplished officers, is felt with daily increasing aggravation.

The act of Congress of 26th of May, 1824, authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Marys, in Georgia, and of the coast of Florida, and for other purposes, has been executed so far as the appropriation would admit. Those of the 3d of March last, authorizing the establishment of a navy-yard and depot on

the coast of Florida, in the Gulf of Mexico, and authorizing the building of ten sloops of war, and for other purposes, are in the course of execution, for the particulars of which and other objects connected with this Department I refer to the report of the Secretary of the Navy, herewith communicated.

A report from the Postmaster-General is also submitted, exhibiting the present flourishing condition of that Department. For the first time for many years the receipts for the year ending on the 1st of July last exceeded the expenditures during the same period to the amount of more than $45,000. Other facts equally creditable to the administration of this Department are that in two years from the 1st of July, 1823, an improvement of more than $185,000 in its pecuniary affairs has been realized; that in the same interval the increase of the transportation of the mail has exceeded 1,500,000 miles annually, and that 1,040 new post-offices have been established. It hence appears that under judicious management the income from this establishment may be relied on as fully adequate to defray its expenses, and that by the discontinuance of post-roads altogether unproductive others of more useful character may be opened, till the circulation of the mail shall keep pace with the spread of our population, and the comforts of friendly correspondence, the exchanges of internal traffic, and the lights of the periodical press shall be distributed to the remotest corners of the Union, at a charge scarcely perceptible to any individual, and without the cost of a dollar to the public Treasury.

Upon this first occasion of addressing the Legislature of the Union, with which I have been honored, in presenting to their view the execution so far as it has been effected of the measures sanctioned by them for promoting the internal improvement of our country, I can not close the communication without recommending to their calm and persevering consideration the general principle in a more enlarged extent. The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact, and no government, in whatever form constituted, can accomplish the lawful ends of its institution but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement. But moral, political, intellectual improvement are duties assigned by the Author of Our Existence to social no less than to individual man. For the fulfillment of those duties governments are invested with power, and to the attainment of the end—the progressive improvement of the condition of the governed—the exercise of delegated powers is a duty as sacred and indispensable as the usurpation of powers not granted is criminal and odious. Among the first, perhaps the very first, instrument for the improvement of the condition of men is knowledge, and to the acquisition

of much of the knowledge adapted to the wants, the comforts, and enjoyments of human life public institutions and seminaries of learning are essential. So convinced of this was the first of my predecessors in this office, now first in the memory, as, living, he was first in the hearts, of our countrymen, that once and again in his addresses to the Congresses with whom he cooperated in the public service he earnestly recommended the establishment of seminaries of learning, to prepare for all the emergencies of peace and war—a national university and a military academy. With respect to the latter, had he lived to the present day, in turning his eyes to the institution at West Point he would have enjoyed the gratification of his most earnest wishes; but in surveying the city which has been honored with his name he would have seen the spot of earth which he had destined and bequeathed to the use and benefit of his country as the site for an university still bare and barren.

In assuming her station among the civilized nations of the earth it would seem that our country had contracted the engagement to contribute her share of mind, of labor, and of expense to the improvement of those parts of knowledge which lie beyond the reach of individual acquisition, and particularly to geographical and astronomical science. Looking back to the history only of the half century since the declaration of our independence, and observing the generous emulation with which the Governments of France, Great Britain, and Russia have devoted the genius, the intelligence, the treasures of their respective nations to the common improvement of the species in these branches of science, is it not incumbent upon us to inquire whether we are not bound by obligations of a high and honorable character to contribute our portion of energy and exertion to the common stock? The voyages of discovery prosecuted in the course of that time at the expense of those nations have not only redounded to their glory, but to the improvement of human knowledge. We have been partakers of that improvement and owe for it a sacred debt, not only of gratitude, but of equal or proportional exertion in the same common cause. Of the cost of these undertakings, if the mere expenditures of outfit, equipment, and completion of the expeditions were to be considered the only charges, it would be unworthy of a great and generous nation to take a second thought. One hundred expeditions of circumnavigation like those of Cook and La Pérouse would not burden the exchequer of the nation fitting them out so much as the ways and means of defraying a single campaign in war. But if we take into the account the lives of those benefactors of mankind of which their services in the cause of their species were the purchase, how shall the cost of those heroic enterprises be estimated, and what compensation can be made to them or to their countries for them? Is it not by bearing them in affectionate remembrance? Is it not still more by imitating their example—by enabling countrymen of our own to pursue the same career and to hazard their lives in the same cause?

In inviting the attention of Congress to the subject of internal improvements upon a view thus enlarged it is not my design to recommend the equipment of an expedition for circumnavigating the globe for purposes of scientific research and inquiry. We have objects of useful investigation nearer home, and to which our cares may be more beneficially applied. The interior of our own territories has yet been very imperfectly explored. Our coasts along many degrees of latitude upon the shores of the Pacific Ocean, though much frequented by our spirited commercial navigators, have been barely visited by our public ships. The River of the West, first fully discovered and navigated by a countryman of our own, still bears the name of the ship in which he ascended its waters, and claims the protection of our armed national flag at its mouth. With the establishment of a military post there or at some other point of that coast, recommended by my predecessor and already matured in the deliberations of the last Congress, I would suggest the expediency of connecting the equipment of a public ship for the exploration of the whole northwest coast of this continent.

The establishment of an uniform standard of weights and measures was one of the specific objects contemplated in the formation of our Constitution, and to fix that standard was one of the powers delegated by express terms in that instrument to Congress. The Governments of Great Britain and France have scarcely ceased to be occupied with inquiries and speculations on the same subject since the existence of our Constitution, and with them it has expanded into profound, laborious, and expensive researches into the figure of the earth and the comparative length of the pendulum vibrating seconds in various latitudes from the equator to the pole. These researches have resulted in the composition and publication of several works highly interesting to the cause of science. The experiments are yet in the process of performance. Some of them have recently been made on our own shores, within the walls of one of our own colleges, and partly by one of our own fellow-citizens. It would be honorable to our country if the sequel of the same experiments should be countenanced by the patronage of our Government, as they have hitherto been by those of France and Britain.

Connected with the establishment of an university, or separate from it, might be undertaken the erection of an astronomical observatory, with provision for the support of an astronomer, to be in constant attendance of observation upon the phenomena of the heavens, and for the periodical publication of his observations. It is with no feeling of pride as an American that the remark may be made that on the comparatively small territorial surface of Europe there are existing upward of 130 of these light-houses of the skies, while throughout the whole American hemisphere there is not one. If we reflect a moment upon the discoveries which in the last four centuries have been made in the physical constitution of the universe by the means of these buildings and of observers

stationed in them, shall we doubt of their usefulness to every nation? And while scarcely a year passes over our heads without bringing some new astronomical discovery to light, which we must fain receive at second hand from Europe, are we not cutting ourselves off from the means of returning light for light while we have neither observatory nor observer upon our half of the globe and the earth revolves in perpetual darkness to our unsearching eyes?

When, on the 25th of October, 1791, the first President of the United States announced to Congress the result of the first enumeration of the inhabitants of this Union, he informed them that the returns gave the pleasing assurance that the population of the United States bordered on 4,000,000 persons. At the distance of thirty years from that time the last enumeration, five years since completed, presented a population bordering upon 10,000,000. Perhaps of all the evidences of a prosperous and happy condition of human society the rapidity of the increase of population is the most unequivocal. But the demonstration of our prosperity rests not alone upon this indication. Our commerce, our wealth, and the extent of our territories have increased in corresponding proportions, and the number of independent communities associated in our Federal Union has since that time nearly doubled. The legislative representation of the States and people in the two Houses of Congress has grown with the growth of their constituent bodies. The House, which then consisted of 65 members, now numbers upward of 200. The Senate, which consisted of 26 members, has now 48. But the executive and, still more, the judiciary departments are yet in a great measure confined to their primitive organization, and are now not adequate to the urgent wants of a still growing community.

The naval armaments, which at an early period forced themselves upon the necessities of the Union, soon led to the establishment of a Department of the Navy. But the Departments of Foreign Affairs and of the Interior, which early after the formation of the Government had been united in one, continue so united to this time, to the unquestionable detriment of the public service. The multiplication of our relations with the nations and Governments of the Old World has kept pace with that of our population and commerce, while within the last ten years a new family of nations in our own hemisphere has arisen among the inhabitants of the earth, with whom our intercourse, commercial and political, would of itself furnish occupation to an active and industrious department. The constitution of the judiciary, experimental and imperfect as it was even in the infancy of our existing Government, is yet more inadequate to the administration of national justice at our present maturity. Nine years have elapsed since a predecessor in this office, now not the last, the citizen who, perhaps, of all others throughout the Union contributed most to the formation and establishment of our Constitution, in his valedictory address to Congress, immediately preceding his retirement

from public life, urgently recommended the revision of the judiciary and the establishment of an additional executive department. The exigencies of the public service and its unavoidable deficiencies, as now in exercise, have added yearly cumulative weight to the considerations presented by him as persuasive to the measure, and in recommending it to your deliberations I am happy to have the influence of his high authority in aid of the undoubting convictions of my own experience.

The laws relating to the administration of the Patent Office are deserving of much consideration and perhaps susceptible of some improvement. The grant of power to regulate the action of Congress upon this subject has specified both the end to be obtained and the means by which it is to be effected, "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." If an honest pride might be indulged in the reflection that on the records of that office are already found inventions the usefulness of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry whether the laws have effectively insured to the inventors the reward destined to them by the Constitution—even a limited term of exclusive right to their discoveries?

On the 24th of December, 1799, it was resolved by Congress that a marble monument should be erected by the United States in the Capitol at the city of Washington; that the family of General Washington should be requested to permit his body to be deposited under it, and that the monument be so designed as to commemorate the great events of his military and political life. In reminding Congress of this resolution and that the monument contemplated by it remains yet without execution, I shall indulge only the remarks that the works at the Capitol are approaching to completion; that the consent of the family, desired by the resolution, was requested and obtained; that a monument has been recently erected in this city over the remains of another distinguished patriot of the Revolution, and that a spot has been reserved within the walls where you are deliberating for the benefit of this and future ages, in which the mortal remains may be deposited of him whose spirit hovers over you and listens with delight to every act of the representatives of his nation which can tend to exalt and adorn his and their country.

The Constitution under which you are assembled is a charter of limited powers. After full and solemn deliberation upon all or any of the objects which, urged by an irresistible sense of my own duty, I have recommended to your attention should you come to the conclusion that, however desirable in themselves, the enactment of laws for effecting them would transcend the powers committed to you by that venerable instrument which we are all bound to support, let no consideration induce you to assume the exercise of powers not granted to you by the people. But if the power to exercise exclusive legislation in all cases whatsoever over

the District of Columbia; if the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; if the power to regulate commerce with foreign nations and among the several States and with the Indian tribes, to fix the standard of weights and measures, to establish post-offices and post-roads, to declare war, to raise and support armies, to provide and maintain a navy, to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and to make all laws which shall be necessary and proper for carrying these powers into execution—if these powers and others enumerated in the Constitution may be effectually brought into action by laws promoting the improvement of agriculture, commerce, and manufactures, the cultivation and encouragement of the mechanic and of the elegant arts, the advancement of literature, and the progress of the sciences, ornamental and profound, to refrain from exercising them for the benefit of the people themselves would be to hide in the earth the talent committed to our charge—would be treachery to the most sacred of trusts.'

The spirit of improvement is abroad upon the earth. It stimulates the hearts and sharpens the faculties not of our fellow-citizens alone, but of the nations of Europe and of their rulers. While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power; that the nation blessed with the largest portion of liberty must in proportion to its numbers be the most powerful nation upon earth, and that the tenure of power by man is, in the moral purposes of his Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow-men. While foreign nations less blessed with that freedom which is power than ourselves are advancing with gigantic strides in the career of public improvement, were we to slumber in indolence or fold up our arms and proclaim to the world that we are palsied by the will of our constituents, would it not be to cast away the bounties of Providence and doom ourselves to perpetual inferiority? In the course of the year now drawing to its close we have beheld, under the auspices and at the expense of one State of this Union, a new university unfolding its portals to the sons of science and holding up the torch of human improvement to eyes that seek the light. We have seen under the persevering and enlightened enterprise of another State the waters of our Western lakes mingle with those of the ocean. If undertakings like these have been accomplished in the compass of a few years by the authority of single members of our Confederation, can we, the representative authorities of the whole Union, fall behind our fellow-servants in the exercise of the trust committed to us for the benefit of our common sovereign by the accomplishment of works important to the whole and to which neither the authority nor the resources of any one State can be adequate?

Finally, fellow-citizens, I shall await with cheering hope and faithful cooperation the result of your deliberations, assured that, without encroaching upon the powers reserved to the authorities of the respective States or to the people, you will, with a due sense of your obligations to your country and of the high responsibilities weighing upon yourselves, give efficacy to the means committed to you for the common good. And may He who searches the hearts of the children of men prosper your exertions to secure the blessings of peace and promote the highest welfare of our country.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 14, 1825.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to their ratification, the following treaties:

1. A treaty between the United States and the Great and Little Osage tribes of Indians, concluded at St. Louis, in the State of Missouri, on the 2d day of June last, by William Clark, Superintendent of Indian Affairs, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the same tribes, duly authorized and empowered by their respective tribes or nations.

2. A treaty between the United States and the Kanzas Nation of Indians, concluded at St. Louis, in the State of Missouri, on the 3d day of June last, by William Clark, Superintendent of Indian Affairs, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the said nation, duly authorized and empowered by the same.

3. A convention between the United States and the Shawnee Nation of Indians residing within the State of Missouri, signed at St. Louis, in the State of Missouri, on the 7th day of November last, by William Clark, Superintendent of Indian Affairs, and the chiefs and headmen of the said nation, duly authorized and empowered by the same.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1825.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration in reference to its ratification, a general convention of peace, amity, commerce, and navigation between the United States of America and the Federation of the Centre of America, signed at this place on the 5th instant by the Secretary of State and the minister plenipotentiary from the Republic of Central America to the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 26, 1825.*

To the Senate of the United States:

In the message to both Houses of Congress at the commencement of the session it was mentioned that the Governments of the Republics of Colombia, of Mexico, and of Central America had severally invited the Government of the United States to be represented at the Congress of American nations to be assembled at Panama to deliberate upon objects of peculiar concernment to this hemisphere, and that this invitation had been accepted.

Although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature, first, by the decision of the Senate upon the nominations to be laid before them, and, secondly, by the sanction of both Houses to the appropriations, without which it can not be carried into effect.

A report from the Secretary of State and copies of the correspondence with the South American Governments on this subject since the invitation given by them are herewith transmitted to the Senate. They will disclose the objects of importance which are expected to form a subject of discussion at this meeting, in which interests of high importance to this Union are involved. It will be seen that the United States neither intend nor are expected to take part in any deliberations of a belligerent character; that the motive of their attendance is neither to contract alliances nor to engage in any undertaking or project importing hostility to any other nation.

But the Southern American nations, in the infancy of their independence, often find themselves in positions with reference to other countries with the principles applicable to which, derivable from the state of independence itself, they have not been familiarized by experience. The result of this has been that sometimes in their intercourse with the United States they have manifested dispositions to reserve a right of granting special favors and privileges to the Spanish nation as the price of their recognition. At others they have actually established duties and impositions operating unfavorably to the United States to the advantage of other European powers, and sometimes they have appeared to consider that they might interchange among themselves mutual concessions of exclusive favor, to which neither European powers nor the United States should be admitted. In most of these cases their regulations unfavorable to us have yielded to friendly expostulation and remonstrance. But it is believed to be of infinite moment that the principles of a liberal commercial intercourse should be exhibited to them, and urged with disinterested and friendly persuasion upon them when all assembled for the avowed purpose of consulting together upon the establishment of such principles as may have an important bearing upon their future welfare.

The consentaneous adoption of principles of maritime neutrality, and favorable to the navigation of peace, and commerce in time of war, will also form a subject of consideration to this Congress. The doctrine that free ships make free goods and the restrictions of reason upon the extent of blockades may be established by general agreement with far more ease, and perhaps with less danger, by the general engagement to adhere to them concerted at such a meeting, than by partial treaties or conventions with each of the nations separately. An agreement between all the parties represented at the meeting that each will guard by its own means against the establishment of any future European colony within its borders may be found advisable. This was more than two years since announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents. It may be so developed to the new southern nations that they will all feel it as an essential appendage to their independence.

There is yet another subject upon which, without entering into any treaty, the moral influence of the United States may perhaps be exerted with beneficial consequences at such a meeting—the advancement of religious liberty. Some of the southern nations are even yet so far under the dominion of prejudice that they have incorporated with their political constitutions an exclusive church, without toleration of any other than the dominant sect. The abandonment of this last badge of religious bigotry and oppression may be pressed more effectually by the united exertions of those who concur in the principles of freedom of conscience upon those who are yet to be convinced of their justice and wisdom than by the solitary efforts of a minister to any one of the separate Governments.

The indirect influence which the United States may exercise upon any projects or purposes originating in the war in which the southern Republics are still engaged, which might seriously affect the interests of this Union, and the good offices by which the United States may ultimately contribute to bring that war to a speedier termination, though among the motives which have convinced me of the propriety of complying with this invitation, are so far contingent and eventual that it would be improper to dwell upon them more at large.

In fine, a decisive inducement with me for acceding to the measure is to show by this token of respect to the southern Republics the interest that we take in their welfare and our disposition to comply with their wishes. Having been the first to recognize their independence, and sympathized with them so far as was compatible with our neutral duties in all their struggles and sufferings to acquire it, we have laid the foundation of our future intercourse with them in the broadest principles of reciprocity and the most cordial feelings of fraternal friendship. To extend those principles to all our commercial relations with them and to hand down that friendship to future ages is congenial to the highest policy of the Union, as it will be to that of all those nations and their posterity. In

the confidence that these sentiments will meet the approbation of the Senate, I nominate Richard C. Anderson, of Kentucky, and John Sergeant, of Pennsylvania, to be envoys extraordinary and ministers plenipotentiary to the assembly of American nations at Panama, and William B. Rochester, of New York, to be secretary to the mission.

JOHN QUINCY ADAMS.

WASHINGTON, *December 27, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 20th instant, I now transmit a copy of the message of President Jefferson to both Houses of Congress on the 18th of January, 1803, recommending an exploring expedition across this continent.* It will be perceived on the perusal of this message that it was confidential, for which reason the copy of it is now communicated in the same manner, leaving to the judgment of the House to determine whether any adequate reason yet remains for withholding it from publication. I possess no other document or information in relation to the same subject which I consider as coming within the scope of the resolution of the House.

JOHN QUINCY ADAMS.

WASHINGTON, *December 27, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 20th instant, I transmit herewith a report from the Secretary of State, with copies of such portions of the correspondence between the United States and Great Britain on the subject of the convention for suppressing the slave trade as have not heretofore been, and which can be communicated without detriment to the public interest.

JOHN QUINCY ADAMS.

WASHINGTON, *December 27, 1825.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d instant, I transmit herewith a report from the Secretary of War, with the correspondence between the Department of War and Generals Pinckney and Jackson, and all the instructions given to the said Generals Pinckney and Jackson relating to the treaty with the Creek Indians, afterwards made at Fort Jackson, so far as the same can be communicated without prejudice to the public interest.

JOHN QUINCY ADAMS.

*See Vol. I, pp. 340 to 342, inclusive.

WASHINGTON, *January 3, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d of last month, I communicate herewith a report from the Secretary of War, with the documents touching the treaty with the Cherokee Indians, ratified in 1819, by which the Cherokee title to a portion of lands within the limits of North Carolina was extinguished.

JOHN QUINCY ADAMS.

WASHINGTON, *January 9, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 3d instant, I communicate herewith, in confidence, a report* from the Secretary of State, with translations of the conventions and documents, containing information of the nature referred to in the said resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 9, 1826.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to the ratification, the following treaties:

1. A treaty signed at the Poncar village at the mouth of White Point Creek, the first below the Qui Carre River, on the 9th of June, 1825, by Brigadier-General Henry Atkinson and Major Benjamin O'Fallon, commissioners on the part of the United States, and certain chiefs, headmen, and warriors of the Poncar tribe of Indians on the part of said tribe.

2. A treaty signed at Fort Look-out, near the Three Rivers of the Sioux Pass, on the 22d June, 1825, by the same commissioners on the part of the United States and certain chiefs, headmen, and warriors of the Teton, Yancton, and Yanctonies bands of the Sioux tribe of Indians on the part of the said bands.

3. A treaty signed at the mouth of the Teton River on the 5th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Sione and Ogalla bands of Sioux Indians, and on the 12th of July, 1825, at Camp Hidden Creek, by chiefs and warriors of the Siounes of the Fireheart's band on the part of their respective bands.

4. A treaty signed at the mouth of the Teton River on the 6th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Chayenne tribe of Indians on the part of said tribe.

*Relating to the proposed congress at Panama.

5. A treaty signed at the Auricara village on the 16th July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Hunkpapas band of the Sioux tribe of Indians on the part of said band.

6. A treaty signed at the Ricara village on the 18th July, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Ricara tribe of Indians on the part of said tribe.

7. A treaty signed at the Mandan village on the 30th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs and warriors of the Mandan tribe of Indians on the part of said tribe.

8. A treaty signed at the lower Mandan village on the 30th of July, 1825, by the same commissioners on the part of the United States and by certain chiefs and warriors of the Belantse Etea, or Minnetaree, tribe of Indians on the part of said tribe.

9. A treaty signed at the Mandan village on the 4th of August, 1825, by the same commissioners on the part of the United States and by certain chiefs and warriors of the Crow tribe of Indians on the part of said tribe.

10. A treaty signed at Fort Atkinson, Council Bluffs, on the 25th of September, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Ottoe and Missouri tribe of Indians on the part of said tribe.

11. A treaty signed at Fort Atkinson, Council Bluffs, on the 30th of September, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Pawnee tribe of Indians on the part of said tribe.

12. A treaty signed at Fort Atkinson, Council Bluffs, on the 6th of October, 1825, by the same commissioners on the part of the United States and by certain chiefs, headmen, and warriors of the Maha tribe of Indians on the part of said tribe.

JOHN QUINCY ADAMS.

WASHINGTON, *January 10, 1826.*

To the Senate of the United States:

I transmit to the Senate a treaty signed at Prairie des Chiens, in the Territory of Michigan, on the 19th of August, 1825, by William Clark and Lewis Cass, commissioners on the part of the United States, and certain chiefs and warriors of the Sioux, Chippeways, Socs, Foxes, Winnebagoes, Menominies, Ottoways, Potawatamies, and Ioway tribes of Indians on the part of said tribes, and I request the advice of the Senate with regard to its ratification.

JOHN QUINCY ADAMS.

WASHINGTON, *January 20, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 23d ultimo, I transmit herewith reports* from the Secretary of War and the Commissioner of the General Land Office, with the statements desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 23, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 27th December last, requesting a statement of moneys paid out of the public Treasury to the late President of the United States as compensation for his services in various other offices which he has filled under the Government of the United States, and on other accounts, and also of claims for allowances made by him upon the Government which have been disallowed, I transmit herewith a report from the Secretary of the Treasury, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 24, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th December last, I transmit herewith a report from the Secretary of the Navy, with the documents and proceedings of the naval courts-martial in the cases of Captain Charles Stewart and of Lieutenants Joshua R. Sands and William M. Hunter.

JOHN QUINCY ADAMS.

WASHINGTON, *January 30, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration and advice with regard to their ratification—

1. A treaty concluded on the 10th day of August, 1825, at Council Grove by Benjamin H. Reeves, George C. Sibley, and Thomas Mather, commissioners on the part of the United States, and certain chiefs and headmen of the Great and Little Osage tribes of Indians on the part of the said tribe.

2. A treaty concluded on the 16th day of August, 1825, at the Sora Kanzas Creek by the same commissioners on the part of the United States and certain chiefs and headmen of the Kanzas tribe or nation of Indians on the part of said tribe.

JOHN QUINCY ADAMS.

*Relating to land warrants issued to soldiers of the Revolutionary war, etc.

WASHINGTON, *January 31, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th instant, I transmit a report from the Secretary of State, with the correspondence with the British Government, relating to the boundary of the United States on the Pacific Ocean, desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 31, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration and advice with regard to its ratification, a treaty concluded by the Secretary of War, duly authorized thereto, with the chiefs and headmen of the Creek Nation, deputed by them, and now in this city.

It has been agreed upon, and is presented to the consideration of the Senate as a substitute for the treaty signed at the Indian Springs on the 12th of February last. The circumstances under which this received on the 3d of March last your advice and consent to its ratification are known to you. It was transmitted to me from the Senate on the 5th of March, and ratified in full confidence yielded to the advice and consent of the Senate, under a firm belief, founded on the journal of the commissioners of the United States and on the express statements in the letter of one of them of the 16th of February to the then Secretary of War, that it had been concluded with a large majority of the chiefs of the Creek Nation and with a reasonable prospect of immediate acquiescence by the remainder.

This expectation has not merely been disappointed. The first measures for carrying the treaty into execution had scarcely been taken when the two principal chiefs who had signed it fell victims to the exasperation of the great mass of the nation, and their families and dependents, far from being able to execute the engagements on their part, fled for life, safety, and subsistence from the territories which they had assumed to cede, to our own. Yet, in this fugitive condition, and while subsisting on the bounty of the United States, they have been found advancing pretensions to receive exclusively to themselves the whole of the sums stipulated by the commissioners of the United States in payment *for all* the lands of the Creek Nation which were ceded by the terms of the treaty. And they have claimed the stipulation of the eighth article, that the United States would "*protect* the emigrating party against the encroachments, hostilities, and impositions of the whites and of all others," as an engagement by which the United States were bound to become the instruments of their vengeance and to inflict upon the majority of the Creek Nation the punishment of Indian retribution to gratify the vindictive fury of an impotent and helpless minority of their own tribe.

In this state of things the question is not whether the treaty of the 12th of February last shall or shall not be executed. So far as the United States were or could be bound by it I have been anxiously desirous of carrying it into execution. But, like other treaties, its fulfillment depends upon the will not of one but of both the parties to it. The parties on the face of the treaty are the United States and the Creek Nation, and however desirous one of them may be to give it effect, this wish must prove abortive while the other party refuses to perform its stipulations and disavows its obligations. By the refusal of the Creek Nation to perform their part of the treaty the United States are absolved from all its engagements on their part, and the alternative left them is either to resort to measures of war to secure by force the advantages stipulated to them in the treaty or to attempt the adjustment of the interest by a new compact. In the preference dictated by the nature of our institutions and by the sentiments of justice and humanity which the occasion requires for measures of peace the treaty herewith transmitted has been concluded, and is submitted to the decision of the Senate. After exhausting every effort in our power to obtain the acquiescence of the Creek Nation to the treaty of the 12th of February, I entertained for some time the hope that their assent might at least have been given to a new treaty, by which all their lands within the State of Georgia should have been ceded. This has also proved impracticable, and although the excepted portion is of comparatively small amount and importance, I have assented to its exception so far as to place it before the Senate only from a conviction that between it and a resort to the forcible expulsion of the Creeks from their habitations and lands within the State of Georgia there was no middle term.

The deputation with which this treaty has been concluded consists of the principal chiefs of the nation—able not only to negotiate but to carry into effect the stipulations to which they have agreed. There is a deputation also here from the small party which undertook to contract for the whole nation at the treaty of the 12th of February, but the number of which, according to the information collected by General Gaines, does not exceed 400. They represent themselves, indeed, to be far more numerous, but whatever their number may be their interests have been provided for in the treaty now submitted. Their subscriptions to it would also have been received but for unreasonable pretensions raised by them after all the arrangements of the treaty had been agreed upon and it was actually signed. Whatever their merits may have been in the facility with which they ceded all the lands of their nation within the State of Georgia, their utter inability to perform the engagements which they so readily contracted and the exorbitancy of their demands when compared with the inefficiency of their own means of performance leave them with no claims upon the United States other than of impartial and rigorous justice.

In referring to the impressions under which I ratified the treaty of the 12th of February last, I do not deem it necessary to decide upon the

propriety of the manner in which it was negotiated. Deeply regretting the criminations and recriminations to which these events have given rise, I believe the public interest will best be consulted by discarding them altogether from the discussion of the subject. The great body of the Creek Nation inflexibly refuse to acknowledge or to execute that treaty. Upon this ground it will be set aside, should the Senate advise and consent to the ratification of that now communicated, without looking back to the means by which the other was effected. And in the adjustment of the terms of the present treaty I have been peculiarly anxious to dispense a measure of great liberality to both parties of the Creek Nation, rather than to extort from them a bargain of which the advantages on our part could only be purchased by hardship on theirs.

JOHN QUINCY ADAMS.

WASHINGTON, *February 1, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 30th ultimo, I communicate herewith, in confidence, a report* from the Secretary of State, with the documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 7, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 15th of December last, I communicate herewith reports from the Secretaries of the Treasury and War and from the Commissioner of the General Land Office, with documents, relating to the lead mines and salt springs, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 14, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th ultimo, I transmit herewith a report from the Secretary of the Navy, with the statements relating to naval courts of inquiry and courts-martial since the 1st January, 1824, requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 15, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the late Secretary of War to the late President of the United States, with documents,

* Relating to intervention of the Emperor of Russia with Spain for a recognition of the independence of the South American States.

containing information requested by a resolution of the House of April 10, 1824, relating to the purchases of real estate in behalf of the United States within the territorial limits of any State since the 4th July, 1776.

These papers were prepared during the last session of Congress, but by some accident were not then communicated to the House.

JOHN QUINCY ADAMS.

WASHINGTON, *February 16, 1826.*

To the Senate of the United States:

In answer to the two resolutions of the Senate of the 15th instant, marked executive, and which I have received, I state respectfully that all the communications from me to the Senate relating to the congress at Panama have been made, like all other communications upon executive business, *in confidence*, and most of them in compliance with a resolution of the Senate requesting them confidentially. Believing that the established usage of free confidential communication between the Executive and the Senate ought for the public interest to be preserved unimpaired, I deem it my indispensable duty to leave to the Senate itself the decision of a question involving a departure hitherto, so far as I am informed, without example from that usage, and upon the motives for which, not being informed of them, I do not feel myself competent to decide.

JOHN QUINCY ADAMS.

WASHINGTON, *February 17, 1826.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of the Navy, with a further document, prepared in compliance with a resolution of the House of the 10th of April, 1824, and containing information relating to purchasers of real estate in behalf of the United States within the territorial limits of any State since the 4th of July, 1776.

JOHN QUINCY ADAMS.

WASHINGTON, *February 17, 1826.*

To the Senate and House of Representatives of the United States:

I transmit herewith to both Houses of Congress a letter from the Secretary of War, with a report from the Ordnance Department, relating to the site of the arsenal of the United States at Augusta, in Georgia, and with regard to which the interposition of the legislative authority is submitted to your consideration as desirable.

JOHN QUINCY ADAMS.

WASHINGTON, *March 1, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Secretary of War, together with a representation from Colonel Brooke, relating to the present condition of the Indians in Florida, and which I recommend to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *March 1, 1826.*

To the House of Representatives of the United States:

A resolution of the House of Representatives adopted at the first session of the Eighteenth Congress, and bearing date the 6th of May, 1824, requested the President of the United States to lay before the House at their then next session a detailed report of the system and plan of fortifications then contemplated and recommended by the Board of Engineers, with various particulars specified in the resolution; and on the 5th of January last a further resolution was adopted requesting similar information. I transmit herewith a report from the Secretary of War, with a letter from the Chief Engineer, and documents, containing, so far as it has been found practicable to obtain and compile it, the information requested by these resolutions.

JOHN QUINCY ADAMS.

WASHINGTON, *March 5, 1826.*

To the Senate and House of Representatives of the United States:

I now submit to the consideration of Congress the propriety of making the appropriation for carrying into effect the appointment of a mission to the congress at Panama.

JOHN QUINCY ADAMS.

WASHINGTON, *March 7, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress a letter from the Secretary of War, together with copies of one to him from the Senators of the State of Maryland, and several other documents, relating to a claim of that State upon the Government of the United States for interest upon certain expenditures during the late war, which I the more readily recommend to the favorable and early consideration of Congress inasmuch as the principle upon which the claim is advanced appears to have been settled by the act of Congress of 3d March, 1825, authorizing the payment of interest due to the State of Virginia.

JOHN QUINCY ADAMS.

WASHINGTON, *March 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with the proceedings of the court and marshal of the United States for the district of Alabama, and other documents, in relation to the cargoes of certain slave ships, the *Constitution*, *Louisa*, and *Marino*, containing the information requested by a resolution of the House of February 16, 1825.

JOHN QUINCY ADAMS.

WASHINGTON, *March 8, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 10th ultimo, requesting information relating to the proceedings of the joint commission of indemnities due under the award of the Emperor of Russia for slaves and other private property carried away by the British forces in violation of the treaty of Ghent, I transmit herewith a report from the Secretary of State and documents containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 15, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Secretary of War and copies of a resolution of that legislature of the State of Georgia, with a correspondence of the governor of that State, relating to the running and establishing of the line between that State and Florida, which I recommend to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *March 15, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 5th ultimo, requesting me to cause to be laid before the House so much of the correspondence between the Government of the United States and the new States of America, or their ministers, respecting the proposed congress or meeting of diplomatic agents at Panama, and such information respecting the general character of that expected congress as may be in my possession and as may, in my opinion, be communicated without prejudice to the public interest, and also to inform the House, so far as in my opinion the public interest may allow, in regard to what objects the agents of the United States are expected to take part in the deliberations

of that congress, I now transmit to the House a report from the Secretary of State, with the correspondence and information requested by the resolution.

With regard to the objects in which the agents of the United States are expected to take part in the deliberations of that congress, I deem it proper to premise that these objects did not form the only, nor even the principal, motive for my acceptance of the invitation. My first and greatest inducement was to meet in the spirit of kindness and friendship an overture made in that spirit by three sister Republics of this hemisphere.

The great revolution in human affairs which has brought into existence, nearly at the same time, eight sovereign and independent nations in our own quarter of the globe has placed the United States in a situation not less novel and scarcely less interesting than that in which they had found themselves by their own transition from a cluster of colonies to a nation of sovereign States. The deliverance of the Southern American Republics from the oppression under which they had been so long afflicted was hailed with great unanimity by the people of this Union as among the most auspicious events of the age. On the 4th of May, 1822, an act of Congress made an appropriation of $100,000 "for such missions to the independent nations on the American continent as the President of the United States might deem proper." In exercising the authority recognized by this act my predecessor, by and with the advice and consent of the Senate appointed successively ministers plenipotentiary to the Republics of Colombia, Buenos Ayres, Chili, and Mexico. Unwilling to raise among the fraternity of freedom questions of precedency and etiquette, which even the European monarchs had of late found it necessary in a great measure to discard, he dispatched these ministers to Colombia, Buenos Ayres, and Chili without exacting from those Republics, as by the ancient principles of political primogeniture he might have done, that the compliment of a plenipotentiary mission should have been paid *first* by them to the United States. The instructions, prepared under his direction, to Mr. Anderson, the first of our ministers to the southern continent, contain at much length the general principles upon which he thought it desirable that our relations, political and commercial, with these our new neighbors should be established for their benefit and ours and that of the future ages of our posterity. A copy of so much of these instructions as relates to these general subjects is among the papers now transmitted to the House. Similar instructions were furnished to the ministers appointed to Buenos Ayres, Chili, and Mexico, and the system of social intercourse which it was the purpose of those missions to establish from the first opening of our diplomatic relations with those rising nations is the most effective exposition of the principles upon which the invitation to the congress at Panama has been accepted by me, as well as of the objects of negotiation at that meeting, in which it was expected that our plenipotentiaries should take part.

The House will perceive that even at the date of these instructions the first treaties between some of the southern Republics had been concluded, by which they had stipulated among themselves this diplomatic assembly at Panama. And it will be seen with what caution, so far as it might concern the policy of the United States, and at the same time with what frankness and good will toward those nations, he gave countenance to their design of inviting the United States to this high assembly for consultation upon *American interests*. It was not considered a conclusive reason for declining this invitation that the proposal for assembling such a Congress had not first been made by ourselves. It had sprung from the urgent, immediate, and momentous common interests of the great communities struggling for independence, and, as it were, quickening into life. From them the proposition to us appeared respectful and friendly; from us to them it could scarcely have been made without exposing ourselves to suspicions of purposes of ambition, if not of domination, more suited to rouse resistance and excite distrust than to conciliate favor and friendship. The first and paramount principle upon which it was deemed wise and just to lay the corner stone of all our future relations with them was *disinterestedness;* the next was cordial good will to them; the third was a claim of fair and equal reciprocity. Under these impressions when the invitation was formally and earnestly given, had it even been doubtful whether *any* of the objects proposed for consideration and discussion at the Congress were such as that immediate and important interests of the United States would be affected by the issue, I should, nevertheless, have determined so far as it depended upon me to have accepted the invitation and to have appointed ministers to attend the meeting. The proposal itself implied that the Republics by whom it was made *believed* that important interests of ours or of theirs rendered our attendance there desirable. They had given us notice that in the novelty of their situation and in the spirit of deference to our experience they would be pleased to have the benefit of our friendly counsel. To meet the temper with which this proposal was made with a cold repulse was not thought congenial to that warm interest in their welfare with which the people and Government of the Union had hitherto gone hand in hand through the whole progress of their revolution. To insult them by a refusal of their overture, and then invite them to a similar assembly to be called by ourselves, was an expedient which never presented itself to the mind. I would have sent ministers to the meeting had it been merely to give them such advice as they might have desired, even with reference to *their own* interests, not involving ours. I would have sent them had it been merely to explain and set forth to them our reasons for *declining* any proposal of specific measures to which they might desire our concurrence, but which we might deem incompatible with our interests or our duties. In the intercourse between nations temper is a missionary perhaps more powerful than talent. Nothing was ever lost by kind

treatment. Nothing can be gained by sullen repulses and aspiring pretensions.

But objects of the highest importance, not only to the future welfare of the whole human race, but bearing directly upon the special interests of this Union, *will* engage the deliberations of the congress of Panama whether we are represented there or not. Others, if we are represented, may be offered by our plenipotentiaries for consideration having in view both these great results—our own interests and the improvement of the condition of man upon earth. It may be that in the lapse of many centuries no other opportunity so favorable will be presented to the Government of the United States to subserve the benevolent purposes of Divine Providence; to dispense the promised blessings of the Redeemer of Mankind; to promote the prevalence in future ages of peace on earth and good will to man, as will now be placed in their power by participating in the deliberations of this congress.

Among the topics enumerated in official papers published by the Republic of Colombia, and adverted to in the correspondence now communicated to the House, as intended to be presented for discussion at Panama, there is scarcely one in which the *result* of the meeting will not deeply affect the interests of the United States. Even those in which the belligerent States alone will take an active part will have a powerful effect upon the state of our relations with the American, and probably with the principal European, States. Were it merely that we might be correctly and speedily informed of the proceedings of the congress and of the progress and issue of their negotiations, I should hold it advisable that we should have an accredited agency with them, placed in such confidential relations with the other members as would insure the authenticity and the safe and early transmission of its reports. Of the same enumerated topics are the preparation of a manifesto setting forth to the world the justice of their cause and the relations they desire to hold with other Christian powers, and to form a convention of navigation and commerce applicable both to the confederated States and to their allies.

It will be within the recollection of the House that immediately after the close of the war of our independence a measure closely analogous to this congress of Panama was adopted by the Congress of our Confederation, and for purposes of precisely the same character. Three commissioners with plenipotentiary powers were appointed to negotiate treaties of amity, navigation, and commerce with all the principal powers of Europe. They met and resided for that purpose about one year at Paris, and the only result of their negotiations at that time was the first treaty between the United States and Prussia—memorable in the diplomatic annals of the world, and precious as a monument of the principles, in relation to commerce and maritime warfare, with which our country entered upon her career as a member of the great family of independent nations. This treaty, prepared in conformity with the instructions of the

American plenipotentiaries, consecrated three fundamental principles of the foreign intercourse which the Congress of that period were desirous of establishing: First, equal reciprocity and the mutual stipulation of the privileges of the most favored nation in the commercial exchanges of peace; secondly, the abolition of private war upon the ocean, and thirdly, restrictions favorable to neutral commerce upon belligerent practices with regard to contraband of war and blockades. A painful, it may be said a calamitous, experience of more than forty years has demonstrated the deep importance of these same principles to the peace and prosperity of this nation and to the welfare of all maritime States, and has illustrated the profound wisdom with which they were assumed as cardinal points of the policy of the Union.

At that time in the infancy of their political existence, under the influence of those principles of liberty and of right so congenial to the cause in which they had just fought and triumphed, they were able but to obtain the sanction of one great and philosophical, though absolute, sovereign in Europe to their liberal and enlightened principles. They could obtain no more. Since then a political hurricane has gone over three-fourths of the civilized portions of the earth, the desolation of which it may with confidence be expected is passing away, leaving at least the American atmosphere purified and refreshed. And now at this propitious moment the new-born nations of this hemisphere, assembling by their representatives at the isthmus between its two continents to settle the principles of their future international intercourse with other nations and with us, ask in this great exigency for our advice upon those very fundamental maxims which we from our cradle at first proclaimed and partially succeeded to introduce into the code of national law.

Without recurring to that total prostration of all neutral and commercial rights which marked the progress of the late European wars, and which finally involved the United States in them, and adverting only to our political relations with these American nations, it is observable that while in all other respects those relations have been uniformly and without exception of the most friendly and mutually satisfactory character, the only causes of difference and dissension between us and them which ever have arisen originated in those never-failing fountains of discord and irritation—discriminations of commercial favor to other nations, licentious privateers, and paper blockades. I can not without doing injustice to the Republics of Buenos Ayres and Colombia forbear to acknowledge the candid and conciliatory spirit with which they have repeatedly yielded to our friendly representations and remonstrances on these subjects—in repealing discriminative laws which operated to our disadvantage and in revoking the commissions of their privateers, to which Colombia has added the magnanimity of making reparation for unlawful captures by some of her cruisers and of assenting in the midst of war to treaty stipulations favorable to neutral navigation. But the recurrence of these

occasions of complaint has rendered the renewal of the discussions which result in the removal of them necessary, while in the meantime injuries are sustained by merchants and other individuals of the United States which can not be repaired, and the remedy lingers in overtaking the pernicious operation of the mischief. The settlement of general principles pervading with equal efficacy all the American States can alone put an end to these evils, and can alone be accomplished at the proposed assembly.

If it be true that the noblest treaty of peace ever mentioned in history is that by which the Carthagenians were bound to abolish the practice of sacrificing their own children *because it was stipulated in favor of human nature*, I can not exaggerate to myself the unfading glory with which these United States will go forth in the memory of future ages if by their friendly counsel, by their moral influence, by the power of argument and persuasion alone they can prevail upon the American nations at Panama to stipulate by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of private war upon the ocean. And if we can not yet flatter ourselves that this may be accomplished, as advances toward it the establishment of the principle that the friendly flag shall cover the cargo, the curtailment of contraband of war, and the proscription of fictitious paper blockades—engagements which we may reasonably hope will not prove impracticable—will, if successfully inculcated, redound proportionally to our honor and drain the fountain of many a future sanguinary war.

The late President of the United States, in his message to Congress of the 2d December, 1823, while announcing the negotiation then pending with Russia, relating to the northwest coast of this continent, observed that the occasion of the discussions to which that incident had given rise had been taken for asserting as a principle in which the rights and interests of the United States were involved that the American continents, by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future colonization by any European power. The principle had first been assumed in that negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European colonies, which it was in nowise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this their independent condition the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp to the exclusion of others a commercial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of the United States. The Government of Russia has never disputed these positions nor manifested the slightest dissatisfaction at their having been

taken. Most of the new American Republics have declared their entire assent to them, and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad with the domestic concerns of the American Governments.

In alluding to these means it would obviously be premature at this time to anticipate that which is offered merely as matter for consultation, or to pronounce upon those measures which have been or may be suggested. The purpose of this Government is to concur in none which would import hostility to Europe or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory, and to permit no colonial lodgments or establishment of European jurisdiction upon its own soil; and with respect to the obtrusive interference from abroad—if its future character may be inferred from that which has been and perhaps still is exercised in more than one of the new States—a joint declaration of its character and exposure of it to the world may be probably all that the occasion would require. Whether the United States should or should not be parties to such a declaration may justly form a part of the deliberation. That there is an evil to be remedied needs little insight into the secret history of late years to know, and that this remedy may best be concerted at the Panama meeting deserves at least the experiment of consideration. A concert of measures having reference to the more effectual abolition of the African slave trade and the consideration of the light in which the political condition of the island of Hayti is to be regarded are also among the subjects mentioned by the minister from the Republic of Colombia as believed to be suitable for deliberation at the congress. The failure of the negotiations with that Republic undertaken during the late Administration, for the suppression of that trade, in compliance with a resolution of the House of Representatives, indicates the expediency of listening with respectful attention to propositions which may contribute to the accomplishment of the great end which was the purpose of that resolution, while the result of those negotiations will serve as admonition to abstain from pledging this Government to any arrangement which might be expected to fail of obtaining the advice and consent of the Senate by a constitutional majority to its ratification.

Whether the political condition of the island of Hayti shall be brought at all into discussion at the meeting may be a question for preliminary advisement. There are in the political constitution of Government of that people circumstances which have hitherto forbidden the acknowledgment of them by the Government of the United States as sovereign and independent. Additional reasons for withholding that acknowledgment have

recently been seen in their acceptance of a nominal sovereignty by the *grant* of a foreign prince under conditions equivalent to the concession by them of exclusive commercial advantages to one nation, adapted altogether to the state of colonial vassalage and retaining little of independence but the name. Our plenipotentiaries will be instructed to present these views to the assembly at Panama, and should they not be concurred in to decline acceding to any arrangement which may be proposed upon different principles.

The condition of the islands of Cuba and Porto Rico is of deeper import and more immediate bearing upon the present interests and future prospects of our Union. The correspondence herewith transmitted will show how earnestly it has engaged the attention of this Government. The invasion of both those islands by the united forces of Mexico and Colombia is avowedly among the objects to be matured by the belligerent States at Panama. The convulsions to which, from the peculiar composition of their population, they would be liable in the event of such an invasion, and the danger therefrom resulting of their falling ultimately into the hands of some European power other than Spain, will not admit of our looking at the consequences to which the congress at Panama may lead with indifference. It is unnecessary to enlarge upon this topic or to say more than that all our efforts in reference to this interest will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants.

And lastly, the congress of Panama is believed to present a fair occasion for urging upon all the new nations of the south the just and liberal principles of religious liberty; not by any interference whatever in their internal concerns, but by claiming for our citizens whose occupations or interests may call them to occasional residence in their territories the inestimable privilege of worshipping their Creator according to the dictates of their own consciences. This privilege, sanctioned by the customary law of nations and secured by treaty stipulations in numerous national compacts, secured even to our own citizens in the treaties with Colombia and with the Federation of Central America, is yet to be obtained in the other South American States and Mexico. Existing prejudices are still struggling against it, which may, perhaps, be more successfully combated at this general meeting than at the separate seats of Government of each Republic.

I can scarcely deem it otherwise than superfluous to observe that the assembly will be in its nature diplomatic and not legislative; that nothing can be transacted there obligatory upon any one of the States to be represented at the meeting, unless with the express concurrence of its own representatives, nor even then, but subject to the ratification of its constitutional authority at home. The faith of the United States to foreign powers can not otherwise be pledged. I shall, indeed, in the first instance, consider the assembly as merely *consultative;* and although the pleni-

potentiaries of the United States will be empowered to receive and refer to the consideration of their Government any proposition from the other parties to the meeting, they will be authorized to conclude nothing unless subject to the definitive sanction of this Government in all its constitutional forms. It has therefore seemed to me unnecessary to insist that every object to be discussed at the meeting should be specified with the precision of a judicial sentence or enumerated with the exactness of a mathematical demonstration. The purpose of the meeting itself is to deliberate upon the great and common *interests* of several new and neighboring nations. If the measure is new and without precedent, so is the situation of the parties to it. That the purposes of the meeting are somewhat indefinite, far from being an objection to it is among the cogent reasons for its adoption. It is not the establishment of principles of intercourse with one, but with seven or eight nations at once. That before they have had the means of exchanging ideas and communicating with one another in common upon these topics they should have definitively settled and arranged them in concert is to require that the effect should precede the cause; it is to exact as a preliminary to the meeting that for the accomplishment of which the meeting itself is designed.

Among the inquiries which were thought entitled to consideration before the determination was taken to accept the invitation was that whether the measure might not have a tendency to change the policy, hitherto invariably pursued by the United States, of avoiding all entangling alliances and all unnecessary foreign connections.

Mindful of the advice given by the father of our country in his Farewell Address, that the great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible, and faithfully adhering to the spirit of that admonition, I can not overlook the reflection that the counsel of Washington in that instance, like all the counsels of wisdom, was founded upon the circumstances in which our country and the world around us were situated at the time when it was given; that the reasons assigned by him for his advice were that Europe had a set of primary interests which to us had none or a very remote relation; that hence she must be engaged in frequent controversies, the causes of which were essentially foreign to our concerns; that our *detached* and *distant* situation invited and enabled us to pursue a different course; that by our union and rapid growth, with an efficient Government, the period was not far distant when we might defy material injury from external annoyance, when we might take such an attitude as would cause our neutrality to be respected, and, with reference to belligerent nations, might choose peace or war, as our interests, guided by justice, should counsel.

Compare our situation and the circumstances of that time with those of the present day, and what, from the very words of Washington then, would be his counsels to his countrymen now? Europe has still her

set of primary interests, with which we have little or a remote relation. Our distant and detached situation with reference to Europe remains the same. But we were then the only independent nation of this hemisphere, and we were surrounded by European colonies, with the greater part of which we had no more intercourse than with the inhabitants of another planet. Those colonies have now been transformed into eight independent nations, extending to our very borders, seven of them Republics like ourselves, with whom we have an immensely growing commercial, and *must* have and have already important political, connections; with reference to whom our situation is neither distant nor detached; whose political principles and systems of government, congenial with our own, must and will have an action and counteraction upon us and ours to which we can not be indifferent if we would.

The rapidity of our growth, and the consequent increase of our strength, has more than realized the anticipations of this admirable political legacy. Thirty years have nearly elapsed since it was written, and in the interval our population, our wealth, our territorial extension, our power—physical and moral—have nearly trebled. Reasoning upon this state of things from the sound and judicious principles of Washington, must we not say that the period which he predicted as then not far off has arrived; that *America* has a set of primary interests which have none or a remote relation to Europe; that the interference of Europe, therefore, in those concerns should be spontaneously withheld by her upon the same principles that we have never interfered with hers, and that if she should interfere, as she may, by measures which may have a great and dangerous recoil upon ourselves, we might be called in defense of our own altars and firesides to take an attitude which would cause our neutrality to be respected, and choose peace or war, as our interest, guided by justice, should counsel.

The acceptance of this invitation, therefore, far from conflicting with the counsel or the policy of Washington, is directly deducible from and conformable to it. Nor is it less conformable to the views of my immediate predecessor as declared in his annual message to Congress of the 2d December, 1823, to which I have already adverted, and to an important passage of which I invite the attention of the House:

> The citizens of the United States [said he] cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that [the European] side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed

unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations subsisting between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the Governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purposes of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which in the judgment of the competent authorities of this Government shall make a corresponding change on the part of the United States indispensable to their security.

To the question which may be asked, whether this meeting and the principles which may be adjusted and settled by it as rules of intercourse between the American nations may not give umbrage to the holy league of European powers or offense to Spain, it is deemed a sufficient answer that our attendance at Panama can give no *just cause* of umbrage or offense to either, and that the United States will stipulate nothing there which can give such cause. Here the right of inquiry into our purposes and measures must stop. The holy league of Europe itself was formed without inquiring of the United States whether it would or would not give umbrage to them. The fear of giving umbrage to the holy league of Europe was urged as a motive for denying to the American nations the acknowledgment of their independence. That it would be viewed by Spain as hostility to her was not only urged, but directly declared by herself. The Congress and Administration of that day consulted their rights and duties, and not their fears. Fully determined to give no needless displeasure to any foreign power, the United States can estimate the probability of their giving it only by the right which any foreign state could have to take it from their measures. Neither the representation of the United States at Panama nor any measure to which their assent may be yielded there will give to the holy league or any of its members, nor to Spain, the right to take offense; for the rest the United States must still, as heretofore, take counsel from their duties rather than their fears.

Such are the objects in which it is expected that the plenipotentiaries of the United States, when commissioned to attend the meeting at the Isthmus, will take part, and such are the motives and purposes with which the invitation of the three Republics was accepted. It was, however, as the House will perceive from the correspondence, accepted only upon condition that the nomination of commissioners for the mission should receive the advice and consent of the Senate.

The concurrence of the House to the measure by the appropriations necessary for carrying it into effect is alike subject to its free determination and indispensable to the fulfillment of the intention.

That the congress at Panama will accomplish all, or even any, of the transcendent benefits to the human race which warmed the conceptions of its first proposer it were perhaps indulging too sanguine a forecast of events to promise. It is in its nature a measure speculative and experimental. The blessing of Heaven may turn it to the account of human improvement; accidents unforeseen and mischances not to be anticipated may baffle all its high purposes and disappoint its fairest expectations. But the design is great, is benevolent, is humane.

It looks to the melioration of the condition of man. It is congenial with that spirit which prompted the declaration of our independence, which inspired the preamble of our first treaty with France, which dictated our first treaty with Prussia and the instructions under which it was negotiated, which filled the hearts and fired the souls of the immortal founders of our Revolution.

With this unrestricted exposition of the motives by which I have been governed in this transaction, as well as of the objects to be discussed and of the ends, if possible, to be attained by our representation at the proposed congress, I submit the propriety of an appropriation to the candid consideration and enlightened patriotism of the Legislature.

JOHN QUINCY ADAMS.

WASHINGTON, *March 16, 1826.*

To the Senate of the United States:

Some additional documents having relation to the objects of the mission to the congress at Panama, and received since the communication of those heretofore sent, are now transmitted to the Senate.

JOHN QUINCY ADAMS.

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 10th instant, requesting information in possession of the Government relating to certain resolves of the Congress of the Confederation of the 21st of October, 1780, and the 21st March, 1783, concerning allowances to the officers of the Revolutionary army, and to the manner of carrying into effect those resolves, and other particulars appertaining thereto, I transmit reports from the Secretaries of State, of the Treasury, and of War, with documents, comprising the information desired by the House.

MARCH 22, 1826. JOHN QUINCY ADAMS.

WASHINGTON, *March 24, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 14th ultimo, requesting statements of the amount of compensation allowed to the paymaster and quartermaster of the Marine Corps for

the two years preceding the 1st of January, 1826, and of other particulars relating to the same Corps, I communicate a report from the Secretary of the Navy, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 24, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 16th ultimo, requesting statements of the net amount of revenue derived from imports and tonnage received by the Treasury from the ports within the bay of Delaware, the bay of Chesapeake, the harbor of New York, and at Boston from the 1st of January, 1790, to the last of December, 1825, and of the amount of expenditures paid from the Treasury for forts, light-houses, beacons, and other public works erected to aid commerce or for the purposes of defense within the said bays and harbors during the said time, I transmit herewith a report from the Secretary of the Treasury, with several documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 29, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 27th instant, requesting a copy of such parts of the answer of the Secretary of State to Mr. Poinsett's letter to Mr. Clay, dated Mexico, 28th September, 1825, No. 22, as relates to the pledge of the United States therein mentioned; and also requesting me to inform the House whether the United States have in any manner made any pledge to the Governments of Mexico and South America that the United States would not permit the interference of any foreign power with the independence or form of government of these nations, and, if so, when, in what manner, and to what effect; and also to communicate to the House a copy of the communication from our minister at Mexico in which he informed the Government of the United States that the Mexican Government called upon this Government to fulfill the memorable pledge of the President of the United States in his message to Congress of December, 1823, I transmit to the House a report from the Secretary of State, with the documents containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 30, 1826.*

To the Senate and House of Representatives of the United States:

By the second article of the general convention of peace, amity, navigation, and commerce between the United States and the Republic of Colombia, concluded at Bogota on 3d of October, 1824, it was stipulated

that the parties engaged mutually not to grant any particular favor to other nations in respect of commerce and navigation which should not immediately become common to the other party, who should enjoy the same freely if the concession was freely made, or on allowing the same compensation if the concession was conditional. And in the third article of the same convention it was agreed that the citizens of the United States might frequent all the coasts and countries of the Republic of Colombia, and reside and trade there in all sorts of produce, manufactures, and merchandise, and should pay no other or greater duties, charges, or fees whatsoever than the most favored nation should be obliged to pay, and should enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favored nations should enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which were submitted the subjects and citizens of the most favored nations; with a reciprocal stipulation in favor of the citizens of the Republic of Colombia in the United States. Subsequently to the conclusion of this convention a treaty was negotiated between the Republic of Colombia and Great Britain, by which it was stipulated that no other or higher duties on account of tonnage, light, or harbor dues should be imposed in the ports of Colombia on British vessels than those payable in the same ports by Colombian vessels, and that the same duties should be paid on the importation into the territories of Colombia of any article the growth, produce, or manufacture of His Britannic Majesty's dominions, whether such importations should be in Colombian or in British vessels, and that the same duties should be paid and the same discount (drawbacks) and bounties allowed on the exportation of any articles the growth, produce, or manufacture of Colombia to His Britannic Majesty's dominions, whether such exportations were in Colombian or in British vessels.

The minister of the United States to the Republic of Colombia having claimed, by virtue of the second and third articles of the convention between the two Republics, that the benefit of these subsequent stipulations should be alike extended to the citizens of the United States upon the condition of reciprocity provided for by the convention, the application of those engagements was readily acceded to by the Colombian Government, and a decree was issued by the executive authority of that Republic on the 30th of January last, a copy and translation of which are herewith communicated, securing to the citizens of the United States in the Republic of Colombia the same advantages in regard to commerce and navigation which had been conceded to British subjects in the Colombian treaty with Great Britain.

It remains for the Government of the United States to secure to the citizens of the Republic of Colombia the reciprocal advantages to which they are entitled by the terms of the convention, to commence from the 30th of January last, for the accomplishment of which I invite the favorable consideration of the Legislature.

JOHN QUINCY ADAMS.

WASHINGTON, *March 31, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 21st instant, requesting information whether any, and what, measures have been taken to improve the navigation over the sand bars in the Ohio River according to the provisions of the act of the 24th of May, 1824, to improve the navigation of the Ohio and Mississippi rivers, and also whether the experiments mentioned in the proviso to the first section of the said act have been made, and, if so, what success has attended them, I transmit herewith a report from the Secretary of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 31, 1826.*

To the Senate of the United States:

I communicate to the Senate herewith a supplementary article to the treaty with the chiefs and headmen of the Creek Nation, in behalf of that nation, which was transmitted to the Senate on the 31st of January last, and which I submit, together with and as a part of that treaty, for the constitutional advice of the Senate with regard to its ratification. A report of the Secretary of War accompanies the article, setting forth the reasons for which it has been concluded.

JOHN QUINCY ADAMS.

WASHINGTON, *April 3, 1826.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 13th ultimo, requesting a statement of all the expenditures incident or relating to internal improvement for the years 1824 and 1825, I transmit reports from the Secretaries of the Treasury and of War, with documents, containing the statement desired.

JOHN QUINCY ADAMS.

WASHINGTON, *April 3, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 7th ultimo, requesting information relative to the execution of an act of Congress of the 7th May, 1822, to authorize and empower the corporation of the city of Washington, in the District of Columbia, to drain the low grounds on and near the public reservations, and to improve and ornament certain parts of such reservations, I transmit herewith a report from the commissioners appointed by the corporation of the city to carry into effect the provisions of the said act, together with sundry documents, exhibiting the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 5, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 30th ultimo, I transmit to the House a report* from the Secretary of State, with the documents desired by the resolution; and also a copy of the letter from the Secretary of State to Mr. Poinsett acknowledging the receipt of his dispatch No. 22, accidentally overlooked in the answer to the resolution of the House of the 27th ultimo.

JOHN QUINCY ADAMS.

WASHINGTON, *April 11, 1826.*

To the Senate of the United States:

On the 16th of January last I sent to the Senate a nomination of Daniel Bissell to be colonel of the Second Regiment of Artillery, and on the 3d of February I received from the Secretary of the Senate an attested copy of their proceedings in relation to that nomination, laid before me by their order, and closing with a resolution in these words:

Resolved, That in the opinion of the Senate Daniel Bissell is entitled to the place of colonel in the Army of the United States, taking rank as such from the 15th of August, 1812, with the brevet of brigadier-general from the 9th of March, 1814, and that the President of the United States may arrange him accordingly.

In the discharge of my own duties I am under the necessity of stating respectfully to the Senate—

First. That I can not concur in these opinions.

Secondly. That the resolution of the Senate, having on its face no reference either to the nomination or to the office for which it was made, leaves me doubtful whether it was intended by the Senate as their decision upon the nomination or not. If intended as their decision, it imports that the Senate do not advise and consent to the appointment of Daniel Bissell as colonel in the Second Regiment of Artillery. If intended as a mere expression of their opinions, superseding in their judgment the necessity of their immediate decision upon the nomination, it leaves the Senate still in possession of the nomination and free to act upon it when informed of my inability to carry those opinions into effect.

In this uncertainty I have thought it most respectful to the Senate to refer the subject again to them for their consideration. The delay in the transmission of this communication is attributable to the earnest desire which I have entertained of acceding to the opinions and complying with the wishes of the Senate, and to the long and repeated reconsideration of my own impressions with the view to make them, if possible, conform to theirs. A still higher duty now constrains me to invite their definitive decision upon the nomination.

JOHN QUINCY ADAMS.

*Relating to the proposed congress of the Spanish American States.

WASHINGTON, *April 15, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 11th instant, I transmit herewith a report* of the Secretary of State, and documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 25, 1826.*

To the Senate and House of Representatives of the United States:

I now transmit to both Houses of Congress copies of a treaty with the Creek Nation of Indians, concluded on the 24th day of January last, with a supplementary article, signed on the 31st of last month, which have been, with the advice and consent of the Senate, duly ratified. I send at the same time copies of the treaty superseded by them, signed at the Indian Springs on the 12th of February, 1825. The treaty and supplementary article now ratified will require the aid of the Legislature for carrying them into effect. And I subjoin a letter from the Secretary of War, proposing an additional appropriation for the purpose of facilitating the removal of that portion of the Creek Nation which may be disposed to remove west of the Mississippi, recommending the whole subject to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *April 25, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 4th of January last, I now transmit reports from the Secretaries of State, of the Treasury, and of War, and from the Postmaster-General, with the documents containing the list of appointments of members of Congress and other information relating thereto desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 28, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice concerning its ratification, a general convention of friendship, commerce, and navigation between the United States and His Majesty the King of Denmark, signed by the Secretary of State and the Danish minister on the 26th instant. A copy of the convention and a note from the Secretary of State, together with Mr. Pedersen's answer, respecting the claims of the citizens of the United States upon the Danish Government, are likewise communicated.

JOHN QUINCY ADAMS.

*Relative to governments to be represented at the congress at Panama

WASHINGTON, *April 29, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 26th instant, I transmit herewith a report from the Secretary of the Treasury, with a copy of the opinion of the Attorney-General* referred to in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 9, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 28th ultimo, I transmit herewith a report from the Secretary of War, with a copy of the proceedings of the recent court-martial for the trial of Colonel Talbot Chambers, and other documents requested by the resolution or relating to the subject of it.

JOHN QUINCY ADAMS.

WASHINGTON, *May 15, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 23d of March last, requesting information concerning the official conduct of the collector and other revenue officers of the port of Philadelphia, I transmit herewith a report from the Secretary of the Treasury, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 16, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 9th instant, I communicate herewith a report* from the Secretary of the Treasury, with the documents desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 17, 1826.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress copies of treaties with Indian tribes which have been, by and with the advice and consent of the Senate, duly ratified during the present session of Congress:

(1) With the Great and Little Osage tribes, concluded June 2, 1825; (2) Kansas, June 3, 1825; (3) Poncar, June 9, 1825; (4) Teton, Yancton, and Yanctonies, June 22, 1825; (5) Sioune and Ogallala, July 5 and 12, 1825; (6) Chayenne, July 6, 1825; (7) Hunkpapas, July 16, 1825;

*Respecting the right of a foreign minister to retain money advanced by the President as an outfit beyond the sum appropriated by law.

(8) Ricara, July 18, 1825; (9) Mandan, July 30, 1825; (10) Belantse-Etoa, or Minnetaree, July 30, 1825; (11) Crow, August 4, 1825; (12) Great and Little Osage, August 10, 1825; (13) Kansas, August 16, 1825; (14) Sioux, Chippewa, Sac and Fox, Menomenee, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Pottawatomie tribes, August 19, 1825; (15) Ottoe and Missouri, September 26, 1825; (16) Pawnee, September 30, 1825; (17) Maha, October 6, 1825; (18) Shawnee, November 7, 1825.

JOHN QUINCY ADAMS.

WASHINGTON, *May 19, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 16th instant, I transmit a report* from the Secretary of State, containing the information thereby requested.

JOHN QUINCY ADAMS.

WASHINGTON, *May 20, 1826.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 5th of March, 1824, requesting copies of the several instructions to the ministers of the United States to the Government of France and of the correspondence between the said ministers and Government having reference to the spoliations committed by that power on the commerce of the United States anterior to the 30th of September, 1800, or so much thereof as can be communicated without prejudice to the public interest; also how far, if at all, the claim of indemnity from the Government of France for the spoliations aforesaid was affected by the convention entered into between the United States and France on the said 30th of September, 1800, I transmit herewith a report from the Secretary of State, with the documents desired by the resolution.

JOHN QUINCY ADAMS.

EXECUTIVE ORDER.

ADJUTANT-GENERAL'S OFFICE,
Washington, July 11, 1826.

GENERAL ORDERS.

The General in Chief has received from the Department of War the following orders:

The President with deep regret announces to the Army that it has pleased the Disposer of All Human Events, in whose hands are the issues

*Relating to the negotiations with Great Britain for a cession of certain keys on the Bahama Banks.

of life, to remove from the scene of earthly existence our illustrious and venerated fellow-citizen, Thomas Jefferson.

This dispensation of Divine Providence, afflicting to us, but the consummation of glory to him, occurred on the 4th of the present month—on the fiftieth anniversary of that Independence the Declaration of which, emanating from his mind, at once proclaimed the birth of a free nation and offered motives of hope and consolation to the whole family of man. Sharing in the grief which every heart must feel for so heavy and afflicting a public loss, and desirous to express his high sense of the vast debt of gratitude which is due to the virtues, talents, and ever-memorable services of the illustrious deceased, the President directs that funeral honors be paid to him at all the military stations, and that the officers of the Army wear crape on the left arm, by way of mourning, for six months.

Major-General Brown will give the necessary orders for carrying into effect the foregoing directions.

J. BARBOUR.

It has become the painful duty of the Secretary of War to announce to the Army the death of another distinguished and venerated citizen. John Adams departed this life on the 4th of this month. Like his compatriot Jefferson, he aided in drawing and ably supporting the Declaration of Independence. With a prophetic eye he looked through the impending difficulties of the Revolution and foretold with what demonstrations of joy the anniversary of the birth of American freedom would be hailed. He was permitted to behold the verification of his prophecy, and died, as did Jefferson, on the day of the jubilee.

A coincidence of circumstances so wonderful gives confidence to the belief that the patriotic efforts of these illustrious men were Heaven directed, and furnishes a new seal to the hope that the prosperity of these States is under the special protection of a kind Providence.

The Secretary of War directs that the same funeral honors be paid by the Army to the memory of the deceased as by the order of the 7th [11th?] instant were directed to be paid to Thomas Jefferson, and the same token of mourning be worn.

Major-General Brown is charged with the execution of this order.

J. BARBOUR.

Never has it fallen to the lot of any commander to announce to an army such an event as now calls forth the mingled grief and astonishment of this Republic; never since History first wrote the record of time has one day thus mingled every triumphant with every tender emotion, and consecrated a nation's joy by blending it with the most sacred of sorrows.

Yes, soldiers, in one day, almost in the same hour, have two of the Founders of the Republic, the Patriarchs of Liberty, closed their services to social man, after beholding them crowned with the richest and most unlimited success. United in their end as they had been in their highest aim, their toils completed, their hopes surpassed, their honors full, and the dearest wish of their bosoms gratified in death, they closed their eyes in patriot ecstasy, amidst the gratulations and thanksgivings of a people on all, on every individual, of whom they had conferred the best of all earthly benefits.

Such men need no trophies; they ask no splendid mausolea. We are their monuments; their mausolea is their country, and her growing prosperity the amaranthine wreath that Time shall place over their dust. Well may the Genius of the Republic mourn. If she turns her eyes in one direction, she beholds the hall where Jefferson wrote the charter of her rights; if in another, she sees the city where Adams kindled the fires of the Revolution. To no period of our history, to no department of our affairs, can she direct her views and not meet the multiplied memorials of her loss and of their glory.

At the grave of such men envy dies, and party animosity blushes while she quenches her fires. If Science and Philosophy lament their enthusiastic votary in the halls of Monticello, Philanthropy and Eloquence weep with no less reason in the retirement of Quincy. And when hereafter the stranger performing his pilgrimage to the land of freedom shall ask for the monument of Jefferson, his inquiring eye may be directed to the dome of that temple of learning, the university of his native State—the last labor of his untiring mind, the latest and the favorite gift of a patriot to his country.

Bereaved yet happy America! Mourning yet highly favored country! Too happy if every son whose loss shall demand thy tears can thus soothe thy sorrow by a legacy of fame.

The Army of the United States, devoted to the service of the country, and honoring all who are alike devoted, whether in the Cabinet or the field, will feel an honorable and a melancholy pride in obeying this order. Let the officers, then, wear the badge of mourning, the poor emblem of a sorrow which words can not express, but which freemen must ever feel while contemplating the graves of the venerated Fathers of the Republic.

Tuesday succeeding the arrival of this order at each military station shall be a day of rest.

The National flag shall wave at half-mast.

At early dawn thirteen guns shall be fired, and at intervals of thirty minutes between the rising and setting sun a single cannon will be discharged, and at the close of the day twenty-four rounds.

By command of Major-General Brown:

R. JONES, *Adjutant-General.*

SECOND ANNUAL MESSAGE.

WASHINGTON, *December 5, 1826.*

Fellow-Citizens of the Senate and of the House of Representatives:

The assemblage of the representatives of our Union in both Houses of the Congress at this time occurs under circumstances calling for the renewed homage of our grateful acknowledgments to the Giver of All Good. With the exceptions incidental to the most felicitous condition of human existence, we continue to be highly favored in all the elements which contribute to individual comfort and to national prosperity. In the survey of our extensive country we have generally to observe abodes of health and regions of plenty. In our civil and political relations we have peace without and tranquillity within our borders. We are, as a people, increasing with unabated rapidity in population, wealth, and national resources, and whatever differences of opinion exist among us with regard to the mode and the means by which we shall turn the beneficence of Heaven to the improvement of our own condition, there is yet a spirit animating us all which will not suffer the bounties of Providence to be showered upon us in vain, but will receive them with grateful hearts, and apply them with unwearied hands to the advancement of the general good.

Of the subjects recommended to Congress at their last session, some were then definitively acted upon. Others, left unfinished, but partly matured, will recur to your attention without needing a renewal of notice from me. The purpose of this communication will be to present to your view the general aspect of our public affairs at this moment and the measures which have been taken to carry into effect the intentions of the Legislature as signified by the laws then and heretofore enacted.

In our intercourse with the other nations of the earth we have still the happiness of enjoying peace and a general good understanding, qualified, however, in several important instances by collisions of interest and by unsatisfied claims of justice, to the settlement of which the constitutional interposition of the legislative authority may become ultimately indispensable.

By the decease of the Emperor Alexander, of Russia, which occurred cotemporaneously with the commencement of the last session of Congress, the United States have been deprived of a long-tried, steady, and faithful friend. Born to the inheritance of absolute power and trained in the school of adversity, from which no power on earth, however absolute, is exempt, that monarch from his youth had been taught to feel the force and value of public opinion and to be sensible that the interests of his own Government would best be promoted by a frank and friendly intercourse with this Republic, as those of his people would be advanced by a

liberal commercial intercourse with our country. A candid and confidential interchange of sentiments between him and the Government of the United States upon the affairs of Southern America took place at a period not long preceding his demise, and contributed to fix that course of policy which left to the other Governments of Europe no alternative but that of sooner or later recognizing the independence of our southern neighbors, of which the example had by the United States already been set. The ordinary diplomatic communications between his successor, the Emperor Nicholas, and the United States have suffered some interruption by the illness, departure, and subsequent decease of his minister residing here, who enjoyed, as he merited, the entire confidence of his new sovereign, as he had eminently responded to that of his predecessor. But we have had the most satisfactory assurances that the sentiments of the reigning Emperor toward the United States are altogether conformable to those which had so long and constantly animated his imperial brother, and we have reason to hope that they will serve to cement that harmony and good understanding between the two nations which, founded in congenial interests, can not but result in the advancement of the welfare and prosperity of both.

Our relations of commerce and navigation with France are, by the operation of the convention of 24th of June, 1822, with that nation, in a state of gradual and progressive improvement. Convinced by all our experience, no less than by the principles of fair and liberal reciprocity which the United States have constantly tendered to all the nations of the earth as the rule of commercial intercourse which they would universally prefer, that fair and equal competition is most conducive to the interests of both parties, the United States in the negotiation of that convention earnestly contended for a mutual renunciation of discriminating duties and charges in the ports of the two countries. Unable to obtain the immediate recognition of this principle in its full extent, after reducing the duties of discrimination so far as was found attainable it was agreed that at the expiration of two years from the 1st of October, 1822, when the convention was to go into effect, unless a notice of six months on either side should be given to the other that the convention itself must terminate, those duties should be reduced one-fourth, and that this reduction should be yearly repeated, until all discrimination should cease, while the convention itself should continue in force. By the effect of this stipulation three-fourths of the discriminating duties which had been levied by each party upon the vessels of the other in its ports have already been removed; and on the 1st of next October, should the convention be still in force, the remaining fourth will be discontinued. French vessels laden with French produce will be received in our ports on the same terms as our own, and ours in return will enjoy the same advantages in the ports of France.

By these approximations to an equality of duties and of charges not

only has the commerce between the two countries prospered, but friendly dispositions have been on both sides encouraged and promoted. They will continue to be cherished and cultivated on the part of the United States. It would have been gratifying to have had it in my power to add that the claims upon the justice of the French Government, involving the property and the comfortable subsistence of many of our fellow-citizens, and which have been so long and so earnestly urged, were in a more promising train of adjustment than at your last meeting; but their condition remains unaltered.

With the Government of the Netherlands the mutual abandonment of discriminating duties had been regulated by legislative acts on both sides. The act of Congress of the 20th of April, 1818, abolished all discriminating duties of impost and tonnage upon the vessels and produce of the Netherlands in the ports of the United States upon the assurance given by the Government of the Netherlands that all such duties operating against the shipping and commerce of the United States in that Kingdom had been abolished. These reciprocal regulations had continued in force several years when the discriminating principle was resumed by the Netherlands in a new and indirect form by a bounty of 10 per cent in the shape of a return of duties to their national vessels, and in which those of the United States are not permitted to participate. By the act of Congress of 7th January, 1824, all discriminating duties in the United States were again suspended, so far as related to the vessels and produce of the Netherlands, so long as the reciprocal exemption should be extended to the vessels and produce of the United States in the Netherlands. But the same act provides that in the event of a restoration of discriminating duties to operate against the shipping and commerce of the United States in any of the foreign countries referred to therein the suspension of discriminating duties in favor of the navigation of such foreign country should cease and all the provisions of the acts imposing discriminating foreign tonnage and impost duties in the United States should revive and be in full force with regard to that nation.

In the correspondence with the Government of the Netherlands upon this subject they have contended that the favor shown to their own shipping by this bounty upon their tonnage is not to be considered as a discriminating duty; but it can not be denied that it produces all the same effects. Had the mutual abolition been stipulated by treaty, such a bounty upon the national vessels could scarcely have been granted consistently with good faith. Yet as the act of Congress of 7th January, 1824, has not expressly authorized the Executive authority to determine what shall be considered as a revival of discriminating duties by a foreign government to the disadvantage of the United States, and as the retaliatory measure on our part, however just and necessary, may tend rather to that conflict of legislation which we deprecate than to that concert to which we invite all commercial nations, as most conducive to

their interest and our own, I have thought it more consistent with the spirit of our institutions to refer the subject again to the paramount authority of the Legislature to decide what measure the emergency may require than abruptly by proclamation to carry into effect the minatory provisions of the act of 1824.

During the last session of Congress treaties of amity, navigation, and commerce were negotiated and signed at this place with the Government of Denmark, in Europe, and with the Federation of Central America, in this hemisphere. These treaties then received the constitutional sanction of the Senate, by the advice and consent to their ratification. They were accordingly ratified on the part of the United States, and during the recess of Congress have been also ratified by the other respective contracting parties. The ratifications have been exchanged, and they have been published by proclamations, copies of which are herewith communicated to Congress.

These treaties have established between the contracting parties the principles of equality and reciprocity in their broadest and most liberal extent, each party admitting the vessels of the other into its ports, laden with cargoes the produce or manufacture of any quarter of the globe, upon the payment of the same duties of tonnage and impost that are chargeable upon their own. They have further stipulated that the parties shall hereafter grant no favor of navigation or commerce to any other nation which shall not upon the same terms be granted to each other, and that neither party will impose upon articles of merchandise the produce or manufacture of the other any other or higher duties than upon the like articles being the produce or manufacture of any other country. To these principles there is in the convention with Denmark an exception with regard to the colonies of that Kingdom in the arctic seas, but none with regard to her colonies in the West Indies.

In the course of the last summer the term to which our last commercial treaty with Sweden was limited has expired. A continuation of it is in the contemplation of the Swedish Government, and is believed to be desirable on the part of the United States. It has been proposed by the King of Sweden that pending the negotiation of renewal the expired treaty should be mutually considered as still in force, a measure which will require the sanction of Congress to be carried into effect on our part, and which I therefore recommend to your consideration.

With Prussia, Spain, Portugal, and, in general, all the European powers between whom and the United States relations of friendly intercourse have existed their condition has not materially varied since the last session of Congress. I regret not to be able to say the same of our commercial intercourse with the colonial possessions of Great Britain in America. Negotiations of the highest importance to our common interests have been for several years in discussion between the two Governments, and on the part of the United States have been invariably pursued in the

spirit of candor and conciliation. Interests of great magnitude and delicacy had been adjusted by the conventions of 1815 and 1818, while that of 1822, mediated by the late Emperor Alexander, had promised a satisfactory compromise of claims which the Government of the United States, in justice to the rights of a numerous class of their citizens, was bound to sustain. But with regard to the commercial intercourse between the United States and the British colonies in America, it has been hitherto found impracticable to bring the parties to an understanding satisfactory to both. The relative geographical position and the respective products of nature cultivated by human industry had constituted the elements of a commercial intercourse between the United States and British America, insular and continental, important to the inhabitants of both countries; but it had been interdicted by Great Britain upon a principle heretofore practiced upon by the colonizing nations of Europe, of holding the trade of their colonies each in exclusive monopoly to herself. After the termination of the late war this interdiction had been revived, and the British Government declined including this portion of our intercourse with her possessions in the negotiation of the convention of 1815. The trade was then carried on exclusively in British vessels till the act of Congress, concerning navigation, of 1818 and the supplemental act of 1820 met the interdict by a corresponding measure on the part of the United States. These measures, not of retaliation, but of necessary self-defense, were soon succeeded by an act of Parliament opening certain colonial ports to the vessels of the United States coming directly from them, and to the importation from them of certain articles of our produce burdened with heavy duties, and excluding some of the most valuable articles of our exports. The United States opened their ports to British vessels from the colonies upon terms as exactly corresponding with those of the act of Parliament as in the relative position of the parties could be made, and a negotiation was commenced by mutual consent, with the hope on our part that a reciprocal spirit of accommodation and a common sentiment of the importance of the trade to the interests of the inhabitants of the two countries between whom it must be carried on would ultimately bring the parties to a compromise with which both might be satisfied. With this view the Government of the United States had determined to sacrifice something of that entire reciprocity which in all commercial arrangements with foreign powers they are entitled to demand, and to acquiesce in some inequalities disadvantageous to ourselves rather than to forego the benefit of a final and permanent adjustment of this interest to the satisfaction of Great Britain herself. The negotiation, repeatedly suspended by accidental circumstances, was, however, by mutual agreement and express assent, considered as pending and to be speedily resumed. In the meantime another act of Parliament, so doubtful and ambiguous in its import as to have been misunderstood by the officers in the colonies who were to carry it into execution, opens again certain

colonial ports upon new conditions and terms, with a threat to close them against any nation which may not accept those terms as prescribed by the British Government. This act, passed in July, 1825, not communicated to the Government of the United States, not understood by the British officers of the customs in the colonies where it was to be enforced, was nevertheless submitted to the consideration of Congress at their last session. With the knowledge that a negotiation upon the subject had long been in progress and pledges given of its resumption at an early day, it was deemed expedient to await the result of that negotiation rather than to subscribe implicitly to terms the import of which was not clear and which the British authorities themselves in this hemisphere were not prepared to explain.

Immediately after the close of the last session of Congress one of our most distinguished citizens was dispatched as envoy extraordinary and minister plenipotentiary to Great Britain, furnished with instructions which we could not doubt would lead to a conclusion of this long-controverted interest upon terms acceptable to Great Britain. Upon his arrival, and before he had delivered his letters of credence, he was met by an order of the British council excluding from and after the 1st of December now current the vessels of the United States from all the colonial British ports excepting those immediately bordering on our territories. In answer to his expostulations upon a measure thus unexpected he is informed that according to the ancient maxims of policy of European nations having colonies their trade is an exclusive possession of the mother country; that all participation in it by other nations is a boon or favor not forming a subject of negotiation, but to be regulated by the legislative acts of the power owning the colony; that the British Government therefore declines negotiating concerning it, and that as the United States did not forthwith accept purely and simply the terms offered by the act of Parliament of July, 1825, Great Britain would not now admit the vessels of the United States even upon the terms on which she has opened them to the navigation of other nations.

We have been accustomed to consider the trade which we have enjoyed with the British colonies rather as an interchange of mutual benefits than as a mere favor received; that under every circumstance we have given an ample equivalent. We have seen every other nation holding colonies negotiate with other nations and grant them freely admission to the colonies by treaty, and so far are the other colonizing nations of Europe now from refusing to negotiate for trade with their colonies that we ourselves have secured access to the colonies of more than one of them by treaty. The refusal, however, of Great Britain to negotiate leaves to the United States no other alternative than that of regulating or interdicting altogether the trade on their part, according as either measure may affect the interests of our own country, and with that exclusive object I would recommend the whole subject to your calm and candid deliberations.

It is hoped that our unavailing exertions to accomplish a cordial good understanding on this interest will not have an unpropitious effect upon the other great topics of discussion between the two Governments. Our northeastern and northwestern boundaries are still unadjusted. The commissioners under the seventh article of the treaty of Ghent have nearly come to the close of their labors; nor can we renounce the expectation, enfeebled as it is, that they may agree upon their report to the satisfaction or acquiescence of both parties. The commission for liquidating the claims for indemnity for slaves carried away after the close of the war has been sitting, with doubtful prospects of success. Propositions of compromise have, however, passed between the two Governments, the result of which we flatter ourselves may yet prove satisfactory. Our own dispositions and purposes toward Great Britain are all friendly and conciliatory; nor can we abandon but with strong reluctance the belief that they will ultimately meet a return, not of favors, which we neither ask nor desire, but of equal reciprocity and good will.

With the American Governments of this hemisphere we continue to maintain an intercourse altogether friendly, and between their nations and ours that commercial interchange of which mutual benefit is the source and mutual comfort and harmony the result is in a continual state of improvement. The war between Spain and them since the total expulsion of the Spanish military force from their continental territories has been little more than nominal, and their internal tranquillity, though occasionally menaced by the agitations which civil wars never fail to leave behind them, has not been affected by any serious calamity.

The congress of ministers from several of those nations which assembled at Panama, after a short session there, adjourned to meet again at a more favorable season in the neighborhood of Mexico. The decease of one of our ministers on his way to the Isthmus, and the impediments of the season, which delayed the departure of the other, deprived us of the advantage of being represented at the first meeting of the congress. There is, however, no reason to believe that any of the transactions of the congress were of a nature to affect injuriously the interests of the United States or to require the interposition of our ministers had they been present. Their absence has, indeed, deprived us of the opportunity of possessing precise and authentic information of the treaties which were concluded at Panama; and the whole result has confirmed me in the conviction of the expediency to the United States of being represented at the congress. The surviving member of the mission, appointed during your last session, has accordingly proceeded to his destination, and a successor to his distinguished and lamented associate will be nominated to the Senate. A treaty of amity, navigation, and commerce has in the course of the last summer been concluded by our minister plenipotentiary at Mexico with the united states of that Confederacy, which will also be laid before the Senate for their advice with regard to its ratification.

In adverting to the present condition of our fiscal concerns and to the prospects of our revenue the first remark that calls our attention is that they are less exuberantly prosperous than they were at the corresponding period of the last year. The severe shock so extensively sustained by the commercial and manufacturing interests in Great Britain has not been without a perceptible recoil upon ourselves. A reduced importation from abroad is necessarily succeeded by a reduced return to the Treasury at home. The net revenue of the present year will not equal that of the last, and the receipts of that which is to come will fall short of those in the current year. The diminution, however, is in part attributable to the flourishing condition of some of our domestic manufactures, and so far is compensated by an equivalent more profitable to the nation. It is also highly gratifying to perceive that the deficiency in the revenue, while it scarcely exceeds the anticipations of the last year's estimate from the Treasury, has not interrupted the application of more than eleven millions during the present year to the discharge of the principal and interest of the debt, nor the reduction of upward of seven millions of the capital of the debt itself. The balance in the Treasury on the 1st of January last was $5,201,650.43; the receipts from that time to the 30th of September last were $19,585,932.50; the receipts of the current quarter, estimated at $6,000,000, yield, with the sums already received, a revenue of about twenty-five millions and a half for the year; the expenditures for the three first quarters of the year have amounted to $18,714,226.66; the expenditures of the current quarter are expected, including the two millions of the principal of the debt to be paid, to balance the receipts; so that the expenses of the year, amounting to upward of a million less than its income, will leave a proportionally increased balance in the Treasury on the 1st of January, 1827, over that of the 1st of January last; instead of $5,200,000 there will be $6,400,000.

The amount of duties secured on merchandise imported from the commencement of the year till September 30 is estimated at $21,250,000, and the amount that will probably accrue during the present quarter is estimated at $4,250,000, making for the whole year $25,500,000, from which the drawbacks being deducted will leave a clear revenue from the customs receivable in the year 1827 of about $20,400,000, which, with the sums to be received from the proceeds of public lands, the bank dividends, and other incidental receipts, will form an aggregate of about $23,000,000, a sum falling short of the whole expenses of the present year little more than the portion of those expenditures applied to the discharge of the public debt beyond the annual appropriation of $10,000,000 by the act of the 3d March, 1817. At the passage of that act the public debt amounted to $123,500,000. On the 1st of January next it will be short of $74,000,000. In the lapse of these ten years $50,000,000 of public debt, with the annual charge of upward of $3,000,000 of interest upon them, have been extinguished. At the passage of that act, of the annual appropriation

of ten millions seven were absorbed in the payment of interest, and not more than three millions went to reduce the capital of the debt. Of the same ten millions, at this time scarcely four are applicable to the interest, and upward of six are effective in melting down the capital. Yet our experience has proved that a revenue consisting so largely of imposts and tonnage ebbs and flows to an extraordinary extent, with all the fluctuations incident to the general commerce of the world. It is within our recollection that even in the compass of the same last ten years the receipts of the Treasury were not adequate to the expenditures of the year, and that in two successive years it was found necessary to resort to loans to meet the engagements of the nation. The returning tides of the succeeding years replenished the public coffers until they have again begun to feel the vicissitude of a decline. To produce these alternations of fullness and exhaustion the relative operation of abundant or unfruitful seasons, the regulations of foreign governments, political revolutions, the prosperous or decaying condition of manufactures, commercial speculations, and many other causes, not always to be traced, variously combine. We have found the alternate swells and diminutions embracing periods of from two to three years. The last period of depression to us was from 1819 to 1822. The corresponding revival was from 1823 to the commencement of the present year. Still, we have no cause to apprehend a depression comparable to that of the former period, or even to anticipate a deficiency which will intrench upon the ability to apply the annual ten millions to the reduction of the debt. It is well for us, however, to be admonished of the necessity of abiding by the maxims of the most vigilant economy, and of resorting to all honorable and useful expedients for pursuing with steady and inflexible perseverance the total discharge of the debt.

Besides the seven millions of the loans of 1813 which will have been discharged in the course of the present year, there are nine millions which by the terms of the contracts would have been and are now redeemable. Thirteen millions more of the loan of 1814 will become redeemable from and after the expiration of the present month, and nine other millions from and after the close of the ensuing year. They constitute a mass of $31,000,000, all bearing an interest of 6 per cent, more than twenty millions of which will be immediately redeemable, and the rest within little more than a year. Leaving of this amount fifteen millions to continue at the interest of 6 per cent, but to be paid off as far as shall be found practicable in the years 1827 and 1828, there is scarcely a doubt that the remaining sixteen millions might within a few months be discharged by a loan at not exceeding 5 per cent, redeemable in the years 1829 and 1830. By this operation a sum of nearly half a million of dollars may be saved to the nation, and the discharge of the whole thirty-one millions within the four years may be greatly facilitated if not wholly accomplished.

By an act of Congress of 3d March, 1835, a loan for the purpose now

referred to, or a subscription to stock, was authorized, at an interest not exceeding 4½ per cent. But at that time so large a portion of the floating capital of the country was absorbed in commercial speculations and so little was left for investment in the stocks that the measure was but partially successful. At the last session of Congress the condition of the funds was still unpropitious to the measure; but the change so soon afterwards occurred that, had the authority existed to redeem the nine millions now redeemable by an exchange of stocks or a loan at 5 per cent, it is morally certain that it might have been effected, and with it a yearly saving of $90,000.

With regard to the collection of the revenue of imposts, certain occurrences have within the last year been disclosed in one or two of our principal ports, which engaged the attention of Congress at their last session and may hereafter require further consideration. Until within a very few years the execution of the laws for raising the revenue, like that of all our other laws, has been insured more by the moral sense of the community than by the rigors of a jealous precaution or by penal sanctions. Confiding in the exemplary punctuality and unsullied integrity of our importing merchants, a gradual relaxation from the provisions of the collection laws, a close adherence to which would have caused inconvenience and expense to them, had long become habitual, and indulgences had been extended universally because they had never been abused. It may be worthy of your serious consideration whether some further legislative provision may not be necessary to come in aid of this state of unguarded security.

From the reports herewith communicated of the Secretaries of War and of the Navy, with the subsidiary documents annexed to them, will be discovered the present condition and administration of our military establishment on the land and on the sea. The organization of the Army having undergone no change since its reduction to the present peace establishment in 1821, it remains only to observe that it is yet found adequate to all the purposes for which a permanent armed force in time of peace can be needed or useful. It may be proper to add that, from a difference of opinion between the late President of the United States and the Senate with regard to the construction of the act of Congress of 2d March, 1821, to reduce and fix the military peace establishment of the United States, it remains hitherto so far without execution that no colonel has been appointed to command one of the regiments of artillery. A supplementary or explanatory act of the Legislature appears to be the only expedient practicable for removing the difficulty of this appointment.

In a period of profound peace the conduct of the mere military establishment forms but a very inconsiderable portion of the duties devolving upon the administration of the Department of War. It will be seen by the returns from the subordinate departments of the Army that every

branch of the service is marked with order, regularity, and discipline; that from the commanding general through all the gradations of superintendence the officers feel themselves to have been citizens before they were soldiers, and that the glory of a republican army must consist in the spirit of freedom, by which it is animated, and of patriotism, by which it is impelled. It may be confidently stated that the moral character of the Army is in a state of continual improvement, and that all the arrangements for the disposal of its parts have a constant reference to that end.

But to the War Department are attributed other duties, having, indeed, relation to a future possible condition of war, but being purely defensive, and in their tendency contributing rather to the security and permanency of peace—the erection of the fortifications provided for by Congress, and adapted to secure our shores from hostile invasion; the distribution of the fund of public gratitude and justice to the pensioners of the Revolutionary war; the maintenance of our relations of peace and of protection with the Indian tribes, and the internal improvements and surveys for the location of roads and canals, which during the last three sessions of Congress have engaged so much of their attention, and may engross so large a share of their future benefactions to our country.

By the act of the 30th of April, 1824, suggested and approved by my predecessor, the sum of $30,000 was appropriated for the purpose of causing to be made the necessary surveys, plans, and estimates of the routes of such roads and canals as the President of the United States might deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail. The surveys, plans, and estimates for each, when completed, will be laid before Congress.

In execution of this act a board of engineers was immediately instituted, and have been since most assiduously and constantly occupied in carrying it into effect. The first object to which their labors were directed, by order of the late President, was the examination of the country between the tide waters of the Potomac, the Ohio, and Lake Erie, to ascertain the practicability of a communication between them, to designate the most suitable route for the same, and to form plans and estimates in detail of the expense of execution.

On the 3d of February, 1825, they made their first report, which was immediately communicated to Congress, and in which they declared that having maturely considered the circumstances observed by them personally, and carefully studied the results of such of the preliminary surveys as were then completed, they were decidedly of opinion that the communication was practicable.

At the last session of Congress, before the board of engineers were enabled to make up their second report containing a general plan and preparatory estimate for the work, the Committee of the House of Representatives upon Roads and Canals closed the session with a report

expressing the hope that the plan and estimate of the board of engineers might at this time be prepared, and that the subject be referred to the early and favorable consideration of Congress at their present session. That expected report of the board of engineers is prepared, and will forthwith be laid before you.

Under the resolution of Congress authorizing the Secretary of War to have prepared a complete system of cavalry tactics, and a system of exercise and instruction of field artillery, for the use of the militia of the United States, to be reported to Congress at the present session, a board of distinguished officers of the Army and of the militia has been convened, whose report will be submitted to you with that of the Secretary of War. The occasion was thought favorable for consulting the same board, aided by the results of a correspondence with the governors of the several States and Territories and other citizens of intelligence and experience, upon the acknowledged defective condition of our militia system, and of the improvements of which it is susceptible. The report of the board upon this subject is also submitted for your consideration.

In the estimates of appropriations for the ensuing year upward of $5,000,000 will be submitted for the expenditures to be paid from the Department of War. Less than two-fifths of this will be applicable to the maintenance and support of the Army. A million and a half, in the form of pensions, goes as a scarcely adequate tribute to the services and sacrifices of a former age, and a more than equal sum invested in fortifications, or for the preparations of internal improvement, provides for the quiet, the comfort, and happier existence of the ages to come. The appropriations to indemnify those unfortunate remnants of another race unable alike to share in the enjoyments and to exist in the presence of civilization, though swelling in recent years to a magnitude burdensome to the Treasury, are generally not without their equivalents in profitable value, or serve to discharge the Union from engagements more burdensome than debt.

In like manner the estimate of appropriations for the Navy Department will present an aggregate sum of upward of $3,000,000. About one-half of these, however, covers the current expenditures of the Navy in actual service, and one-half constitutes a fund of national property, the pledge of our future glory and defense. It was scarcely one short year after the close of the late war, and when the burden of its expenses and charges was weighing heaviest upon the country, that Congress, by the act of 29th April, 1816, appropriated $1,000,000 annually for eight years to the *gradual increase of the Navy*. At a subsequent period this annual appropriation was reduced to half a million for six years, of which the present year is the last. A yet more recent appropriation the last two years, for building ten sloops of war, has nearly restored the original appropriation of 1816 of a million for every year. The result is before us all. We have twelve line-of-battle ships, twenty frigates, and sloops of war in

proportion, which, with a few months of preparation, may present a line of floating fortifications along the whole range of our coast ready to meet any invader who might attempt to set foot upon our shores. Combining with a system of fortifications upon the shores themselves, commenced about the same time under the auspices of my immediate predecessor, and hitherto systematically pursued, it has placed in our possession the most effective sinews of war and has left us at once an example and a lesson from which our own duties may be inferred. The gradual increase of the Navy was the principle of which the act of 29th April, 1816, was the first development. It was the introduction of a system to act upon the character and history of our country for an indefinite series of ages. It was a declaration of that Congress to their constituents and to posterity that it was the destiny and the duty of these confederated States to become in regular process of time and by no petty advances a great naval power. That which they proposed to accomplish in eight years is rather to be considered as the measure of their means than the limitation of their design. They looked forward for a term of years sufficient for the accomplishment of a definite portion of their purpose, and they left to their successors to fill up the canvas of which they had traced the large and prophetic outline. The ships of the line and frigates which they had in contemplation will be shortly completed. The time which they had allotted for the accomplishment of the work has more than elapsed. It remains for your consideration how their successors may contribute their portion of toil and of treasure for the benefit of the succeeding age in the gradual increase of our Navy. There is perhaps no part of the exercise of the constitutional powers of the Federal Government which has given more general satisfaction to the people of the Union than this. The system has not been thus vigorously introduced and hitherto sustained to be now departed from or abandoned. In continuing to provide for the gradual increase of the Navy it may not be necessary or expedient to add for the present any more to the number of our ships; but should you deem it advisable to continue the yearly appropriation of half a million to the same objects, it may be profitably expended in providing a supply of timber to be seasoned and other materials for future use in the construction of docks or in laying the foundations of a school for naval education, as to the wisdom of Congress either of those measures may appear to claim the preference.

Of the small portions of this Navy engaged in actual service during the peace, squadrons have continued to be maintained in the Pacific Ocean, in the West India seas, and in the Mediterranean, to which has been added a small armament to cruise on the eastern coast of South America. In all they have afforded protection to our commerce, have contributed to make our country advantageously known to foreign nations, have honorably employed multitudes of our seamen in the service of their country, and have inured numbers of youths of the rising generation to lives of manly

hardihood and of nautical experience and skill. The piracies with which the West India seas were for several years infested have been totally suppressed, but in the Mediterranean they have increased in a manner afflictive to other nations, and but for the continued presence of our squadron would probably have been distressing to our own. The war which has unfortunately broken out between the Republic of Buenos Ayres and the Brazilian Government has given rise to very great irregularities among the naval officers of the latter, by whom principles in relation to blockades and to neutral navigation have been brought forward to which we can not subscribe and which our own commanders have found it necessary to resist. From the friendly disposition toward the United States constantly manifested by the Emperor of Brazil, and the very useful and friendly commercial intercourse between the United States and his dominions, we have reason to believe that the just reparation demanded for the injuries sustained by several of our citizens from some of his officers will not be withheld. Abstracts from the recent dispatches of the commanders of our several squadrons are communicated with the report of the Secretary of the Navy to Congress.

A report from the Postmaster-General is likewise communicated, presenting in a highly satisfactory manner the result of a vigorous, efficient, and economical administration of that Department. The revenue of the office, even of the year including the latter half of 1824 and the first half of 1825, had exceeded its expenditures by a sum of more than $45,000. That of the succeeding year has been still more productive. The increase of the receipts in the year preceding the 1st of July last over that of the year before exceeds $136,000, and the excess of the receipts over the expenditures of the year has swollen from $45,000 to nearly $80,000. During the same period contracts for additional transportation of the mail in stages for about 260,000 miles have been made, and for 70,000 miles annually on horseback. Seven hundred and fourteen new post-offices have been established within the year, and the increase of revenue within the last three years, as well as the augmentation of the transportation by mail, is more than equal to the whole amount of receipts and of mail conveyance at the commencement of the present century, when the seat of the General Government was removed to this place. When we reflect that the objects effected by the transportation of the mail are among the choicest comforts and enjoyments of social life, it is pleasing to observe that the dissemination of them to every corner of our country has outstripped in their increase even the rapid march of our population.

By the treaties with France and Spain, respectively ceding Louisiana and the Floridas to the United States, provision was made for the security of land titles derived from the Governments of those nations. Some progress has been made under the authority of various acts of Congress in the ascertainment and establishment of those titles, but claims to a

very large extent remain unadjusted. The public faith no less than the just rights of individuals and the interest of the community itself appears to require further provision for the speedy settlement of those claims, which I therefore recommend to the care and attention of the Legislature.

In conformity with the provisions of the act of 20th May last, to provide for erecting a penitentiary in the District of Columbia, and for other purposes, three commissioners were appointed to select a site for the erection of a penitentiary for the District, and also a site in the county of Alexandria for a county jail, both of which objects have been effected. The building of the penitentiary has been commenced, and is in such a degree of forwardness as to promise that it will be completed before the meeting of the next Congress. This consideration points to the expediency of maturing at the present session a system for the regulation and government of the penitentiary, and of defining the class of offenses which shall be punishable by confinement in this edifice.

In closing this communication I trust that it will not be deemed inappropriate to the occasion and purposes upon which we are here assembled to indulge a momentary retrospect, combining in a single glance the period of our origin as a national confederation with that of our present existence, at the precise interval of half a century from each other. Since your last meeting at this place the fiftieth anniversary of the day when our independence was declared has been celebrated throughout our land, and on that day, while every heart was bounding with joy and every voice was tuned to gratulation, amid the blessings of freedom and independence which the sires of a former age had handed down to their children, two of the principal actors in that solemn scene—the hand that penned the ever-memorable Declaration and the voice that sustained it in debate—were by one summons, at the distance of 700 miles from each other, called before the Judge of All to account for their deeds done upon earth. They departed cheered by the benedictions of their country, to whom they left the inheritance of their fame and the memory of their bright example. If we turn our thoughts to the condition of their country, in the contrast of the first and last day of that half century, how resplendent and sublime is the transition from gloom to glory! Then, glancing through the same lapse of time, in the condition of the individuals we see the first day marked with the fullness and vigor of youth, in the pledge of their lives, their fortunes, and their sacred honor to the cause of freedom and of mankind; and on the last, extended on the bed of death, with but sense and sensibility left to breathe a last aspiration to Heaven of blessing upon their country, may we not humbly hope that to them too it was a pledge of transition from gloom to glory, and that while their mortal vestments were sinking into the clod of the valley their emancipated spirits were ascending to the bosom of their God!

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 7, 1826.*

To the Senate and House of Representatives of the United States:

I now transmit a report from the Secretary of War, with that of the Board of Engineers of Internal Improvement, concerning the proposed Chesapeake and Ohio Canal.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with sundry documents, containing the information requested by a resolution of the House of the 8th of May last, relating to the lead mines belonging to the United States in Illinois and Missouri.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1826.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with several documents, containing information required by a resolution of the House of the 20th of May last, respecting certain proposed donations of land by Indian tribes to any agent or commissioner of the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 12, 1826.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice with regard to their ratification, the following treaties with Indian tribes:

1. A treaty made and concluded at the Fond du Lac of Lake Superior, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa tribe of Indians, on the 5th of August, 1826.

2. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Potawatamie tribe of Indians, on the 16th of October, 1826.

3. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B.

Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Miami tribe of Indians, on the 23d of October, 1826.

JOHN QUINCY ADAMS.

WASHINGTON, *December 18, 1826.*

To the Senate and House of Representatives of the United States:

I transmit to Congress extracts of a letter, received since the commencement of their session, from the minister of the United States at London, having relation to the late discussions with the Government of Great Britain concerning the trade between the United States and the British colonies in America.

JOHN QUINCY ADAMS.

WASHINGTON, *December 20, 1826.*

To the Senate of the United States:

In the message to both Houses of Congress at the commencement of their present session it was intimated that the commission for liquidating the claims of our fellow-citizens to indemnity for slaves and other property carried away after the close of the late war with Great Britain in contravention to the first article of the treaty of Ghent had been sitting in this city with doubtful prospects of success, but that propositions had recently passed between the two Governments which it was hoped would lead to a satisfactory adjustment of that controversy.

I now transmit to the Senate, for their constitutional consideration and advice, a convention signed at London by the plenipotentiaries of the two Governments on the 13th of the last month, relating to this object. A copy of the convention is at the same time sent, together with a copy of the instructions under which it was negotiated and the correspondence relating to it. To avoid all delay these documents are now transmitted, consisting chiefly of original papers, the return of which is requested.

JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1826.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 12th instant, requesting information of the measures taken to carry into effect the act of Congress of 3d March, 1825, directing a road to be made from Little Rock to Cantonment Gibson, in the Territory of Arkansas, I transmit a report from the Secretary of War, with a letter from the Quartermaster-General, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1826.*

To the House of Representatives of the United States:

I communicate to the House of Representatives a report from the Secretary of State, with a copy of the three articles* (marked A) requested by the resolution of the House of the 19th instant. The third of those articles relating to a subject upon which the negotiation between the two Governments is yet open, the communication of all the other documents relating to it is reserved to a future period, when it may be closed.

JOHN QUINCY ADAMS.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with sundry documents, containing the information requested by two resolutions of the House of the 15th instant, relating to the proceedings of the congress of ministers which assembled last summer at Panama.

The occasion is taken to communicate at the same time two other dispatches, from the minister of the United States to the Mexican Confederation, one of which should have been communicated at the last session of Congress but that it was then accidentally mislaid, and the other having relation to the same subject.

JOHN QUINCY ADAMS.

DECEMBER 26, 1826.

WASHINGTON, *January 10, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 6th instant, I transmit herewith a report from the Secretary of State, together with copies of the correspondence with the Government of the Netherlands, relating to discriminating duties.

JOHN QUINCY ADAMS.

WASHINGTON, *January 10, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th of May last, requesting a detailed statement of the expenditures for the construction and repair of the Cumberland road, I now transmit a report from the Secretary of the Treasury, with the statement requested by the resolution.

JOHN QUINCY ADAMS.

*Referred to in the protocol of the third conference of the American and British plenipotentiaries on February 5, 1824, relating to trade with Great Britain.

WASHINGTON, *January 10, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress a report from the Secretary of the Navy, together with that of the engineer by whom, conformably to a joint resolution of the two Houses of the 22d May last, an examination and survey has been made of a site for a dry dock at the navy-yard at Portsmouth, N. H.; Charlestown, Mass.; Brooklyn, N. Y., and Gosport, Va.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 20th of May last, I transmit herewith a report from the Secretary of State, touching the impressment of seamen from on board American vessels on the high seas or elsewhere by the commanders of British or other foreign vessels or ships of war since 18th of February, 1815, together with such correspondence on the subject as comes within the purview of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 21st of last month, I now transmit a letter from the Secretary of War, with a report from the Chief Engineer and a statement of the Third Auditor, shewing the amount disbursed of the appropriation made by the act of 24th May, 1824, to improve the navigation of the Ohio and Mississippi rivers, and the state and progress of the work contemplated by the appropriation.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a letter from the Secretary of War, together with a report of the Chief Engineer, and certain acts of the legislature of the State of New York proposing to the Government of the United States the purchase of the fortifications erected at the expense of the State on Staten Island, with the ordnance and other apparatus belonging to or connected with the same. These papers were prepared at the close of the last session of Congress, at too late a period to be then acted upon.

JOHN QUINCY ADAMS.

CANAL TRANSPORTATION

CANAL TRANSPORTATION

Schemes of connecting natural waterways by canals were rife as early as 1761, but with the exception of a five-mile canal for passing the falls of the Connecticut River, the Erie Canal between Lake Erie and the Hudson, which was opened in 1825, was the first to be completed. In 1785 Washington was promoting a project for connecting the Potomac by canal with trans-Allegheny streams. Later he planned routes between the Hudson and Lakes Champlain and Ontario. None of these proposed canals was completed. The Erie Canal cost the State of New York $9,000,000. The demand for quick transportation shortened the life of the canal system. Of all the canals which have been built in the United States there were only thirty-nine in commercial operation in 1901, and their total mileage was only 2,464⅓ miles. To maintain its place the canal of to-day must be broad enough to hold not only the old style mule-boat, but steam vessels of large tonnage and moderate speed. In the leisurely days of the third and fourth decade of the nineteenth century, travel by canal boat was a welcome relief from the dust and jolting of the stage coach.

Further details are given in the article "Canals" in the index (volume eleven), and by reference to the pages therein cited the reader may familiarize himself with presidential utterances regarding this important branch of internal improvement.

WASHINGTON, *January 16, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to both Houses of Congress copies of a convention between the United States and Great Britain, signed on the 13th of November last at London by the respective plenipotentiaries of the two Governments, for the final settlement and liquidation of certain claims of indemnity of citizens of the United States which had arisen under the first article of the treaty of Ghent. It having been stipulated by this convention that the exchange of the ratifications of the same should be made at London, the usual proclamation of it here can only be issued when that event shall have taken place, the notice of which can scarcely be expected before the close of the present session of Congress. But it has been duly ratified on the part of the United States, and by the report of the Secretary of State and the accompanying certificate herewith also communicated it will be seen that the first half of the stipulated payment has been made by the minister of His Britannic Majesty residing here, and has been deposited in the office of the Bank of the United States at this place to await the disposal of Congress.

I recommend to their consideration the expediency of such legislative measures as they may deem proper for the distribution of the sum already paid, and of that hereafter to be received, among the claimants who may be found entitled to the indemnity.

JOHN QUINCY ADAMS.

WASHINGTON, *January 17, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 10th of May last, I transmit a report from the Secretary of the Treasury, with a letter from the Director of the Mint, shewing the result of the assay of foreign coins and the information otherwise relating thereto desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1827.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d instant, I transmit herewith a report* from the Secretary of State, with the accompanying documents.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1827.*

To the Senate of the United States:

The report from the Commissioner of the General Land Office and the accompanying documents herewith transmitted are laid before the

*Concerning the assembly of American ministers at Tacubaya, Mexico.

Senate in compliance with their resolution of the 4th of April last, relating to the public lands of the United States in the States of Missouri and Illinois which are unfit for cultivation.

JOHN QUINCY ADAMS.

WASHINGTON, *February 2, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 25th ultimo, relative to the execution of the treaty of the 18th of October, 1820, of Doaks Stand with the Choctaw tribe of Indians, I transmit a report from the Secretary of War, with a statement from the Office of Indian Affairs, comprising so far as it is possessed the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 3, 1827.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the United States of the 9th ultimo, relating to the appointments of chargés d'affaires and to the commissions and salaries of the ministers and secretary to the mission to Panama, I transmit herewith a report from the Secretary of State, with accompanying documents.

JOHN QUINCY ADAMS.

WASHINGTON, *February 5, 1827.*

To the House of Representatives of the United States:

The report from the Secretary of War and accompanying documents herewith transmitted have been prepared in compliance with a resolution of the House of Representatives of the 20th of May last, requesting a statement of expenditure and other particulars relating to the procurement and properties of the patent rifle.

JOHN QUINCY ADAMS.

WASHINGTON, *February 5, 1827.*

To the Senate and House of Representatives of the United States:

I submit to the consideration of Congress a letter from the agent of the United States with the Creek Indians, who invoke the protection of the Government of the United States in defense of the rights and territory secured to that nation by the treaty concluded at Washington, and ratified on the part of the United States on the 22d of April last.

The complaint set forth in this letter that surveyors from Georgia have been employed in surveying lands within the Indian Territory, as secured by that treaty, is authenticated by the information inofficially received from other quarters, and there is reason to believe that one or more of the surveyors have been arrested in their progress by the Indians. Their forbearance, and reliance upon the good faith of the United States

will, it is hoped, avert scenes of violence and blood which there is otherwise too much cause to apprehend will result from these proceedings.

By the fifth section of the act of Congress of the 30th of March, 1802, to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers, it is provided that if any citizen of or other person resident in the United States shall make a settlement on any lands belonging or secured or granted by treaty with the United States to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries by marking trees or otherwise, such offender shall forfeit a sum not exceeding $1,000 and suffer imprisonment not exceeding twelve months.

By the sixteenth and seventeenth sections of the same statute two distinct processes are prescribed, by either or both of which the above enactment may be carried into execution. By the first it is declared to be lawful for the military force of the United States to apprehend every person found in the Indian country over and beyond the boundary line between the United States and the Indian tribes in violation of any of the provisions or regulations of the act, and immediately to convey them, in the nearest convenient and safe route, to the civil authority of the United States in some of the three next adjoining States or districts, to be proceeded against in due course of law.

By the second it is directed that if any person charged with the violation of any of the provisions or regulations of the act shall be found within any of the United States or either of their territorial districts such offender may be there apprehended and brought to trial in the same manner as if such crime or offense had been committed within such State or district; and that it shall be the duty of the military force of the United States, when called upon by the civil magistrate or any proper officer or other person duly authorized for that purpose and having a lawful warrant, to aid and assist such magistrate, officer, or other person so authorized in arresting such offender and committing him to safe custody for trial according to law.

The first of these processes is adapted to the arrest of the trespasser upon Indian territories on the spot and in the act of committing the offense; but as it applies the action of the Government of the United States to places where the civil process of the law has no authorized course, it is committed entirely to the functions of the military force to arrest the person of the offender, and after bringing him within the reach of the jurisdiction of the courts there to deliver him into custody for trial. The second makes the violator of the law amenable only after his offense has been consummated, and when he has returned within the civil jurisdiction of the Union. This process, in the first instance, is merely of a civil character, but may in like manner be enforced by calling in, if necessary, the aid of the military force.

Entertaining no doubt that in the present case the resort to either of

these modes of process, or to both, was within the discretion of the Executive authority, and penetrated with the duty of maintaining the rights of the Indians as secured both by the treaty and the law, I concluded, after full deliberation, to have recourse on this occasion, in the first instance, only to the civil process. Instructions have accordingly been given by the Secretary of War to the attorney and marshal of the United States in the district of Georgia to commence prosecutions against the surveyors complained of as having violated the law, while orders have at the same time been forwarded to the agent of the United States at once to assure the Indians that their rights founded upon the treaty and the law are recognized by this Government and will be faithfully protected, and earnestly to exhort them, by the forbearance of every act of hostility on their part, to preserve unimpaired that right to protection secured to them by the sacred pledge of the good faith of this nation. Copies of these instructions and orders are herewith transmitted to Congress.

In abstaining at this stage of the proceedings from the application of any military force I have been governed by considerations which will, I trust, meet the concurrence of the Legislature. Among them one of paramount importance has been that these surveys have been attempted, and partly effected, under color of legal authority from the State of Georgia; that the surveyors are, therefore, not to be viewed in the light of individual and solitary transgressors, but as the agents of a sovereign State, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that should they meet with interruption they would at all hazards be sustained by the military force of the State, in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict *must* have ensued, which would itself have inflicted a wound upon the Union and have presented the aspect of one of these confederated States at war with the rest. Anxious, above all, to avert this state of things, yet at the same time impressed with the deepest conviction of my own duty to take care that the laws shall be executed and the faith of the nation preserved, I have used of the means intrusted to the Executive for that purpose only those which without resorting to military force may vindicate the sanctity of the law by the ordinary agency of the judicial tribunals.

It ought not, however, to be disguised that the act of the legislature of Georgia, under the construction given to it by the governor of that State, and the surveys made or attempted by his authority beyond the boundary secured by the treaty of Washington of April last to the Creek Indians, are in direct violation of the supreme law of this land, set forth in a treaty which has received all the sanctions provided by the Constitution which we have been sworn to support and maintain.

Happily distributed as the sovereign powers of the people of this Union have been between their General and State Governments, their history has already too often presented collisions between these divided authori-

ties with regard to the extent of their respective powers. No instance, however, has hitherto occurred in which this collision has been urged into a conflict of actual force. No other case is known to have happened in which the application of military force by the Government of the Union has been prescribed for the enforcement of a law the violation of which has within any single State been prescribed by a legislative act of the State. In the present instance it is my duty to say that if the legislative and executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation even higher than that of human authority will compel the Executive of the United States to enforce the laws and fulfill the duties of the nation by all the force committed for that purpose to his charge. That the arm of military force will be resorted to only in the event of the failure of all other expedients provided by the laws, a pledge has been given by the forbearance to employ it at this time. It is submitted to the wisdom of Congress to determine whether any further act of legislation may be necessary or expedient to meet the emergency which these transactions may produce.

JOHN QUINCY ADAMS.

WASHINGTON, *February 8, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty between the United States and the Mexican Confederation, signed by the plenipotentiaries of the respective Governments on the 10th of July last. It will be seen by its terms that if ratified by both parties the ratifications are to be exchanged at this city on or before the 10th day of next month. The ratification on the part of the Government of Mexico has not yet been received, though it has probably before this been effected. To avoid all unnecessary delay the treaty is now communicated to the Senate, that it may receive all the deliberation which, in their wisdom, it may require, without pressing upon their time at a near approach to the close of their session. Should they advise and consent to its ratification, that measure will still be withheld until the ratification by the Mexican Government shall have been ascertained. A copy of the treaty is likewise transmitted, together with the documents appertaining to the negotiation.

JOHN QUINCY ADAMS.

WASHINGTON, *February 8, 1827.*

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of a letter from the governor of the State of Georgia, received since my message of the 5th instant, and of inclosures received with it, further confirmative of the facts stated in that message.*

JOHN QUINCY ADAMS.

*Relating to the conflicting claims of Georgia and the Creek Indians to lands in Georgia.

WASHINGTON, *February 16, 1827.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with statements prepared at the Register's and General Land Office, in compliance with a resolution of the Senate of the 10th of May last, in relation to the purchase and sales of the public lands since the declaration of independence.

JOHN QUINCY ADAMS.

WASHINGTON, *February 19, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress copies of the following treaties, which have been ratified by and with the consent of the Senate:

1. A treaty with the Chippewa tribe of Indians, signed at the Fond du Lac of Lake Superior on the 5th of August, 1826.

2. A treaty with the Potawatamie tribe of Indians, signed on the 16th of October, 1826, near the mouth of the Mississinawa, upon the Wabash, in the State of Indiana.

3. A treaty with the Miami tribe of Indians, signed at the same place on the 23d of October, 1826.

JOHN QUINCY ADAMS.

WASHINGTON, *February 24, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their consideration, a conveyance by treaty from the Seneca tribe of Indians to Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, in the presence of Oliver Forward, commissioner of the United States for holding the said treaty, and of Nathaniel Gorham, superintendent in behalf of the State of Massachusetts. A letter from the grantees of this conveyance and a report of the Superintendent of Indian Affairs to the Secretary of War, relating to this instrument, are also transmitted; and with regard to the approval or ratification of the treaty itself, it is submitted to the Senate for their advice and consent.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1827.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with sundry documents, containing statements requested by a resolution of the House of Representatives of the 9th of January, relating to the Artillery School of Practice at Fortress Monroe.

JOHN QUINCY ADAMS.

WASHINGTON, *March 2, 1827.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with sundry documents, containing the information requested by a resolution of the Senate of the 20th of April last, relating to the security taken of the late surveyor-general of Illinois, Missouri, and Arkansas, and of the late receiver of public moneys in the western district of Missouri, and to the sums for which they were respectively defaulters; also the sums due by each of the late directors of the Bank of Missouri to the United States, and to the measures taken for obtaining or enforcing payment of the same.

JOHN QUINCY ADAMS.

WASHINGTON, *March 2, 1827.*

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress copies of communications received yesterday by the Secretary of War from the governor of Georgia and from Lieutenant Vinton.*

JOHN QUINCY ADAMS.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the sixth section of an act of Congress entitled "An act to regulate the commercial intercourse between the United States and certain British colonial ports," which was approved on the 1st day of March, A. D. 1823, it is enacted "that this act, unless repealed, altered, or amended by Congress, shall be and continue in force so long as the above-enumerated British colonial ports shall be open to the admission of the vessels of the United States, conformably to the provisions of the British act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George IV; but if at any time the trade and intercourse between the United States and all or any of the above-enumerated British colonial ports authorized by the said act of Parliament should be prohibited by a British order in council or by act of Parliament, then, from the day of the date of such order in council or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the

*Relating to the conflicting claims of Georgia and the Creek Indians to lands in Georgia.

same shall apply to the intercourse between the United States and the above-enumerated British colonial ports in British vessels, shall cease to operate in their favor, and each and every provision of the 'Act concerning navigation,' approved on the 18th of April, 1818, and of the act supplementary thereto, approved on the 15th of May, 1820, shall revive and be in full force;" and

Whereas by an act of the British Parliament which passed on the 5th day of July, A. D. 1825, entitled "An act to repeal the several laws relating to the customs," the said act of Parliament of the 24th of June, 1822, was repealed; and by another act of the British Parliament, passed on the 5th day of July, A. D. 1825, in the sixth year of the reign of George IV, entitled "An act to regulate the trade of the British possessions abroad;" and by an order of His Britannic Majesty in council, bearing date the 27th of July, 1826, the trade and intercourse authorized by the aforesaid act of Parliament of the 24th of June, 1822, between the United States and the greater part of the said British colonial ports therein enumerated, have been prohibited upon and from the 1st day of December last past, and the contingency has thereby arisen on which the President of the United States was authorized by the sixth section aforesaid of the act of Congress of the 1st March, 1823, to issue a proclamation to the effect therein mentioned:

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that the trade and intercourse authorized by the said act of Parliament of the 24th of June, 1822, between the United States and the British colonial ports enumerated in the aforesaid act of Congress of the 1st of March, 1823, have been and are, upon and from the 1st day of December, 1826, by the aforesaid two several acts of Parliament of the 5th of July, 1825, and by the aforesaid British order in council of the 27th day of July, 1826, prohibited.

Given under my hand, at the city of Washington, this 17th day of March, A. D. 1827, and the fifty-first year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are

imposed or levied within the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid therein laden shall be continued, and no longer; and

Whereas satisfactory evidence was given to the President of the United States on the 30th day of May last by Count Lucchesi, consul-general of His Holiness the Pope, that all foreign and discriminating duties of tonnage and impost within the dominions of His Holiness, so far as respected the vessels of the United States and the merchandise of their produce or manufacture imported in the same, were suspended and discontinued:

Now, therefore, I, John Quincy Adams, President of the United States, conformably to the fourth section of the act of Congress aforesaid, do hereby proclaim and declare that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the subjects of His Holiness the Pope and the merchandise of the produce or manufacture of his dominions imported into the United States in the same, the said suspension to take effect from the 30th of May aforesaid and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid therein laden shall be continued, and no longer.

Given under my hand, at the city of Washington, this 7th day of June, A. D. 1827, and of the Independence of the United States the fifty-first.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas Willis Anderson, of the County of Alexandria, in the District of Columbia, is charged with having recently murdered Gerrard Arnold, late of the said county; and

Whereas it is represented to me that the said Willis Anderson has

absconded and secretes himself, so that he can not be apprehended and brought to justice for the offense of which he is so charged; and

Whereas the apprehension and trial of the said Willis Anderson is an example due to justice and humanity, and would be every way salutary in its influence:

Now, therefore, I have thought fit to issue this my proclamation, hereby exhorting the citizens of the United States, and particularly those of this District, and requiring all officers, according to their respective stations, to use their utmost endeavors to apprehend and bring the said Willis Anderson to justice for the atrocious crime with which he stands charged as aforesaid; and I do moreover offer a reward of $250 for the apprehension of the said Willis Anderson and his delivery to an officer or officers of justice in the county aforesaid, so that he may be brought to trial for the murder aforesaid and be otherwise dealt with according to law.

In testimony whereof I have hereunto signed my name and caused the seal of the United States to be affixed to these presents.

[SEAL.] Done at Washington, this 10th day of September, A. D. 1827, and of the Independence of the United States the fifty-second.

J. Q. ADAMS.

By the President:

H. CLAY,

Secretary of State.

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 4, 1827.*

Fellow-Citizens of the Senate and of the House of Representatives:

A revolution of the seasons has nearly been completed since the representatives of the people and States of this Union were last assembled at this place to deliberate and to act upon the common important interests of their constituents. In that interval the never-slumbering eye of a wise and beneficent Providence has continued its guardian care over the welfare of our beloved country; the blessing of health has continued generally to prevail throughout the land; the blessing of peace with our brethren of the human race has been enjoyed without interruption; internal quiet has left our fellow-citizens in the full enjoyment of all their rights and in the free exercise of all their faculties, to pursue the impulse of their nature and the obligation of their duty in the improvement of their own condition; the productions of the soil, the exchanges of commerce, the vivifying labors of human industry, have combined to mingle in our cup a portion of enjoyment as large and liberal as the indulgence of Heaven has perhaps ever granted to the imperfect state of man upon

earth; and as the purest of human felicity consists in its participation with others, it is no small addition to the sum of our national happiness at this time that peace and prosperity prevail to a degree seldom experienced over the whole habitable globe, presenting, though as yet with painful exceptions, a foretaste of that blessed period of promise when the lion shall lie down with the lamb and wars shall be no more. To preserve, to improve, and to perpetuate the sources and to direct in their most effective channels the streams which contribute to the public weal is the purpose for which Government was instituted. Objects of deep importance to the welfare of the Union are constantly recurring to demand the attention of the Federal Legislature, and they call with accumulated interest at the first meeting of the two Houses after their periodical renovation. To present to their consideration from time to time subjects in which the interests of the nation are most deeply involved, and for the regulation of which the legislative will is alone competent, is a duty prescribed by the Constitution, to the performance of which the first meeting of the new Congress is a period eminently appropriate, and which it is now my purpose to discharge.

Our relations of friendship with the other nations of the earth, political and commercial, have been preserved unimpaired, and the opportunities to improve them have been cultivated with anxious and unremitting attention. A negotiation upon subjects of high and delicate interest with the Government of Great Britain has terminated in the adjustment of some of the questions at issue upon satisfactory terms and the postponement of others for future discussion and agreement. The purposes of the convention concluded at St. Petersburg on the 12th day of July, 1822, under the mediation of the late Emperor Alexander, have been carried into effect by a subsequent convention, concluded at London on the 13th of November, 1826, the ratifications of which were exchanged at that place on the 6th day of February last. A copy of the proclamation issued on the 19th day of March last, publishing this convention, is herewith communicated to Congress. The sum of $1,204,960, therein stipulated to be paid to the claimants of indemnity under the first article of the treaty of Ghent, has been duly received, and the commission instituted, comformably to the act of Congress of the 2d of March last, for the distribution of the indemnity to the persons entitled to receive it are now in session and approaching the consummation of their labors. This final disposal of one of the most painful topics of collision between the United States and Great Britain not only affords an occasion of gratulation to ourselves, but has had the happiest effect in promoting a friendly disposition and in softening asperities upon other objects of discussion; nor ought it to pass without the tribute of a frank and cordial acknowledgment of the magnanimity with which an honorable nation, by the reparation of their own wrongs, achieves a triumph more glorious than any field of blood can ever bestow.

The conventions of 3d July, 1815, and of 20th October, 1818, will expire by their own limitation on the 20th of October, 1828. These have regulated the direct commercial intercourse between the United States and Great Britain upon terms of the most perfect reciprocity; and they effected a temporary compromise of the respective rights and claims to territory westward of the Rocky Mountains. These arrangements have been continued for an indefinite period of time after the expiration of the above-mentioned conventions, leaving each party the liberty of terminating them by giving twelve months' notice to the other. The radical principle of all commercial intercourse between independent nations is the mutual interest of both parties. It is the vital spirit of trade itself; nor can it be reconciled to the nature of man or to the primary laws of human society that any traffic should long be willingly pursued of which all the advantages are on one side and all the burdens on the other. Treaties of commerce have been found by experience to be among the most effective instruments for promoting peace and harmony between nations whose interests, exclusively considered on either side, are brought into frequent collisions by competition. In framing such treaties it is the duty of each party not simply to urge with unyielding pertinacity that which suits its own interest, but to concede liberally to that which is adapted to the interest of the other. To accomplish this, little more is generally required than a simple observance of the rule of reciprocity, and were it possible for the statesmen of one nation by stratagem and management to obtain from the weakness or ignorance of another an overreaching treaty, such a compact would prove an incentive to war rather than a bond of peace. Our conventions with Great Britain are founded upon the principles of reciprocity. The commercial intercourse between the two countries is greater in magnitude and amount than between any two other nations on the globe. It is for all purposes of benefit or advantage to both as precious, and in all probability far more extensive, than if the parties were still constituent parts of one and the same nation. Treaties between such States, regulating the intercourse of peace between them and adjusting interests of such transcendent importance to both, which have been found in a long experience of years mutually advantageous, should not be lightly canceled or discontinued. Two conventions for continuing in force those above mentioned have been concluded between the plenipotentiaries of the two Governments on the 6th of August last, and will be forthwith laid before the Senate for the exercise of their constitutional authority concerning them.

In the execution of the treaties of peace of November, 1782, and September, 1783, between the United States and Great Britain, and which terminated the war of our independence, a line of boundary was drawn as the demarcation of territory between the two countries, extending over near 20 degrees of latitude, and ranging over seas, lakes, and mountains, then very imperfectly explored and scarcely opened to the geo-

graphical knowledge of the age. In the progress of discovery and settlement by both parties since that time several questions of boundary between their respective territories have arisen, which have been found of exceedingly difficult adjustment. At the close of the last war with Great Britain four of these questions pressed themselves upon the consideration of the negotiators of the treaty of Ghent, but without the means of concluding a definitive arrangement concerning them. They were referred to three separate commissions consisting of two commissioners, one appointed by each party, to examine and decide upon their respective claims. In the event of a disagreement between the commissioners it was provided that they should make reports to their several Governments, and that the reports should finally be referred to the decision of a sovereign the common friend of both. Of these commissions two have already terminated their sessions and investigations, one by entire and the other by partial agreement. The commissioners of the fifth article of the treaty of Ghent have finally disagreed, and made their conflicting reports to their own Governments. But from these reports a great difficulty has occurred in making up a question to be decided by the arbitrator. This purpose has, however, been effected by a fourth convention, concluded at London by the plenipotentiaries of the two Governments on the 29th of September last. It will be submitted, together with the others, to the consideration of the Senate.

While these questions have been pending incidents have occurred of conflicting pretensions and of dangerous character upon the territory itself in dispute between the two nations. By a common understanding between the Governments it was agreed that no exercise of exclusive jurisdiction by either party while the negotiation was pending should change the state of the question of right to be definitively settled. Such collision has, nevertheless, recently taken place by occurrences the precise character of which has not yet been ascertained. A communication from the governor of the State of Maine, with accompanying documents, and a correspondence between the Secretary of State and the minister of Great Britain on this subject are now communicated. Measures have been taken to ascertain the state of the facts more correctly by the employment of a special agent to visit the spot where the alleged outrages have occurred, the result of whose inquiries, when received, will be transmitted to Congress.

While so many of the subjects of high interest to the friendly relations between the two countries have been so far adjusted, it is matter of regret that their views respecting the commercial intercourse between the United States and the British colonial possessions have not equally approximated to a friendly agreement.

At the commencement of the last session of Congress they were informed of the sudden and unexpected exclusion by the British Government of access in vessels of the United States to all their colonial ports,

except those immediately bordering upon our own territories. In the amicable discussions which have succeeded the adoption of this measure, which, as it affected harshly the interests of the United States, became a subject of expostulation on our part, the principles upon which its justification has been placed have been of a diversified character. It has been at once ascribed to a mere recurrence to the old, long-established principle of colonial monopoly and at the same time to a feeling of resentment because the offers of an act of Parliament opening the colonial ports upon certain conditions had not been grasped at with sufficient eagerness by an instantaneous conformity to them. At a subsequent period it has been intimated that the new exclusion was in resentment because a prior act of Parliament, of 1822, opening certain colonial ports, under heavy and burdensome restrictions, to vessels of the United States, had not been reciprocated by an admission of British vessels from the colonies, and their cargoes, without any restriction or discrimination whatever. But be the motive for the interdiction what it may, the British Government have manifested no disposition, either by negotiation or by corresponding legislative enactments, to recede from it, and we have been given distinctly to understand that neither of the bills which were under the consideration of Congress at their last session would have been deemed sufficient in their concessions to have been rewarded by any relaxation from the British interdict. It is one of the inconveniences inseparably connected with the attempt to adjust by reciprocal legislation interests of this nature that neither party can know what would be satisfactory to the other, and that after enacting a statute for the avowed and sincere purpose of conciliation it will generally be found utterly inadequate to the expectations of the other party, and will terminate in mutual disappointment.

The session of Congress having terminated without any act upon the subject, a proclamation was issued on the 17th of March last, conformably to the provisions of the sixth section of the act of 1st March, 1823, declaring the fact that the trade and intercourse authorized by the British act of Parliament of 24th June, 1822, between the United States and the British enumerated colonial ports had been by the subsequent acts of Parliament of 5th July, 1825, and the order of council of 27th July, 1826, prohibited. The effect of this proclamation, by the terms of the act under which it was issued, has been that each and every provision of the act concerning navigation of 18th April, 1818, and of the act supplementary thereto of 15th May, 1820, revived and is in full force. Such, then, is the present condition of the trade that, useful as it is to both parties, it can, with a single momentary exception, be carried on directly by the vessels of neither. That exception itself is found in a proclamation of the governor of the island of St. Christopher and of the Virgin Islands, inviting for three months from the 28th of August last the importation of the articles of the produce of the United States which constitute their export portion of this trade in the vessels of all nations. That period

having already expired, the state of mutual interdiction has again taken place. The British Government have not only declined negotiation upon this subject, but by the principle they have assumed with reference to it have precluded even the means of negotiation. It becomes not the self-respect of the United States either to solicit gratuitous favors or to accept as the grant of a favor that for which an ample equivalent is exacted. It remains to be determined by the respective Governments whether the trade shall be opened by acts of reciprocal legislation. It is, in the meantime, satisfactory to know that apart from the inconveniences resulting from a disturbance of the usual channels of trade no loss has been sustained by the commerce, the navigation, or the revenue of the United States, and none of magnitude is to be apprehended from this existing state of mutual interdict.

With the other maritime and commercial nations of Europe our intercourse continues with little variation. Since the cessation by the convention of 24th June, 1822, of all discriminating duties upon the vessels of the United States and of France in either country our trade with that nation has increased and is increasing. A disposition on the part of France has been manifested to renew that negotiation, and in acceding to the proposal we have expressed the wish that it might be extended to other subjects upon which a good understanding between the parties would be beneficial to the interests of both. The origin of the political relations between the United States and France is coeval with the first years of our independence. The memory of it is interwoven with that of our arduous struggle for national existence. Weakened as it has occasionally been since that time, it can by us never be forgotten, and we should hail with exultation the moment which should indicate a recollection equally friendly in spirit on the part of France. A fresh effort has recently been made by the minister of the United States residing at Paris to obtain a consideration of the just claims of citizens of the United States to the reparation of wrongs long since committed, many of them frankly acknowledged and all of them entitled upon every principle of justice to a candid examination. The proposal last made to the French Government has been to refer the subject which has formed an obstacle to this consideration to the determination of a sovereign the common friend of both. To this offer no definitive answer has yet been received, but the gallant and honorable spirit which has at all times been the pride and glory of France will not ultimately permit the demands of innocent sufferers to be extinguished in the mere consciousness of the power to reject them.

A new treaty of amity, navigation, and commerce has been concluded with the Kingdom of Sweden, which will be submitted to the Senate for their advice with regard to its ratification. At a more recent date a minister plenipotentiary from the Hanseatic Republics of Hamburg, Lubeck, and Bremen has been received, charged with a special mission for the

negotiation of a treaty of amity and commerce between that ancient and renowned league and the United States. This negotiation has accordingly been commenced, and is now in progress, the result of which will, if successful, be also submitted to the Senate for their consideration.

Since the accession of the Emperor Nicholas to the imperial throne of all the Russias the friendly dispositions toward the United States so constantly manifested by his predecessor have continued unabated, and have been recently testified by the appointment of a minister plenipotentiary to reside at this place. From the interest taken by this Sovereign in behalf of the suffering Greeks and from the spirit with which others of the great European powers are cooperating with him the friends of freedom and of humanity may indulge the hope that they will obtain relief from that most unequal of conflicts which they have so long and so gallantly sustained; that they will enjoy the blessing of self-government, which by their sufferings in the cause of liberty they have richly earned, and that their independence will be secured by those liberal institutions of which their country furnished the earliest examples in the history of mankind, and which have consecrated to immortal remembrance the very soil for which they are now again profusely pouring forth their blood. The sympathies which the people and Government of the United States have so warmly indulged with their cause have been acknowledged by their Government in a letter of thanks, which I have received from their illustrious President, a translation of which is now communicated to Congress, the representatives of that nation to whom this tribute of gratitude was intended to be paid, and to whom it was justly due.

In the American hemisphere the cause of freedom and independence has continued to prevail, and if signalized by none of those splendid triumphs which had crowned with glory some of the preceding years it has only been from the banishment of all external force against which the struggle had been maintained. The shout of victory has been superseded by the expulsion of the enemy over whom it could have been achieved. Our friendly wishes and cordial good will, which have constantly followed the southern nations of America in all the vicissitudes of their war of independence, are succeeded by a solicitude equally ardent and cordial that by the wisdom and purity of their institutions they may secure to themselves the choicest blessings of social order and the best rewards of virtuous liberty. Disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their independence to regulate as to them shall seem fit, we hail with joy every indication of their prosperity, of their harmony, of their persevering and inflexible homage to those principles of freedom and of equal rights which are alone suited to the genius and temper of the American nations. It has been, therefore, with some concern that we have observed indications of intestine divisions in some of the Republics of the south, and appearances of less union with one another than we believe

By the President of the United States.

A Proclamation.

Whereas by an act of the Congress of the United States, of the seventh of January, one thousand eight hundred and twenty four, entitled "An act concerning discriminating duties of tonnage and impost," it is provided, that upon satisfactory evidence being given to the President of the United States, by the Government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandize, the produce or manufacture thereof, imported in the same, the President is thereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued, so far as respects the vessels of the said nation, and the merchandize of its produce or manufacture imported into the United States in

to be the interest of all. Among the results of this state of things has been that the treaties concluded at Panama do not appear to have been ratified by the contracting parties, and that the meeting of the congress at Tacubaya has been indefinitely postponed. In accepting the invitations to be represented at this congress, while a manifestation was intended on the part of the United States of the most friendly disposition toward the southern Republics by whom it had been proposed, it was hoped that it would furnish an opportunity for bringing all the nations of this hemisphere to the common acknowledgment and adoption of the principles in the regulation of their internal relations which would have secured a lasting peace and harmony between them and have promoted the cause of mutual benevolence throughout the globe. But as obstacles appear to have arisen to the reassembling of the congress, one of the two ministers commissioned on the part of the United States has returned to the bosom of his country, while the minister charged with the ordinary mission to Mexico remains authorized to attend at the conferences of the congress whenever they may be resumed.

A hope was for a short time entertained that a treaty of peace actually signed between the Governments of Buenos Ayres and of Brazil would supersede all further occasion for those collisions between belligerent pretensions and neutral rights which are so commonly the result of maritime war, and which have unfortunately disturbed the harmony of the relations between the United States and the Brazilian Governments. At their last session Congress were informed that some of the naval officers of that Empire had advanced and practiced upon principles in relation to blockades and to neutral navigation which we could not sanction, and which our commanders found it necessary to resist. It appears that they have not been sustained by the Government of Brazil itself. Some of the vessels captured under the assumed authority of these erroneous principles have been restored, and we trust that our just expectations will be realized that adequate indemnity will be made to all the citizens of the United States who have suffered by the unwarranted captures which the Brazilian tribunals themselves have pronounced unlawful.

In the diplomatic discussions at Rio de Janeiro of these wrongs sustained by citizens of the United States and of others which seemed as if emanating immediately from that Government itself the chargé d'affaires of the United States, under an impression that his representations in behalf of the rights and interests of his countrymen were totally disregarded and useless, deemed it his duty, without waiting for instructions, to terminate his official functions, to demand his passports, and return to the United States. This movement, dictated by an honest zeal for the honor and interests of his country—motives which operated exclusively on the mind of the officer who resorted to it—has not been disapproved by me. The Brazilian Government, however, complained of it as a measure for which no adequate intentional cause had been given by them, and upon

an explicit assurance through their chargé d'affaires residing here that a successor to the late representative of the United States near that Government, the appointment of whom they desired, should be received and treated with the respect due to his character, and that indemnity should be promptly made for all injuries inflicted on citizens of the United States or their property contrary to the laws of nations, a temporary commission as chargé d'affaires to that country has been issued, which it is hoped will entirely restore the ordinary diplomatic intercourse between the two Governments and the friendly relations between their respective nations.

Turning from the momentous concerns of our Union in its intercourse with foreign nations to those of the deepest interest in the administration of our internal affairs, we find the revenues of the present year corresponding as nearly as might be expected with the anticipations of the last, and presenting an aspect still more favorable in the promise of the next. The balance in the Treasury on January 1 last was $6,358,686.18. The receipts from that day to the 30th of September last, as near as the returns of them yet received can show, amount to $16,886,581.32. The receipts of the present quarter, estimated at $4,515,000, added to the above form an aggregate of $21,400,000 of receipts. The expenditures of the year may perhaps amount to $22,300,000, presenting a small excess over the receipts. But of these twenty-two millions, upward of six have been applied to the discharge of the principal of the public debt, the whole amount of which, approaching seventy-four millions on the 1st of January last, will on the first day of the next year fall short of sixty-seven millions and a half. The balance in the Treasury on the 1st of January next it is expected will exceed $5,450,000, a sum exceeding that of the 1st of January, 1825, though falling short of that exhibited on the 1st of January last.

It was foreseen that the revenue of the present year would not equal that of the last, which had itself been less than that of the next preceding year. But the hope has been realized which was entertained, that these deficiencies would in nowise interrupt the steady operation of the discharge of the public debt by the annual ten millions devoted to that object by the act of 3d March, 1817.

The amount of duties secured on merchandise imported from the commencement of the year until the 30th of September last is $21,226,000, and the probable amount of that which will be secured during the remainder of the year is $5,774,000, forming a sum total of $27,000,000. With the allowances for drawbacks and contingent deficiencies which may occur, though not specifically foreseen, we may safely estimate the receipts of the ensuing year at $22,300,000—a revenue for the next equal to the expenditure of the present year.

The deep solicitude felt by our citizens of all classes throughout the Union for the total discharge of the public debt will apologize for the earnestness with which I deem it my duty to urge this topic upon the con-

sideration of Congress—of recommending to them again the observance of the strictest economy in the application of the public funds. The depression upon the receipts of the revenue which had commenced with the year 1826 continued with increased severity during the two first quarters of the present year. The returning tide began to flow with the third quarter, and, so far as we can judge from experience, may be expected to continue through the course of the ensuing year. In the meantime an alleviation from the burden of the public debt will in the three years have been effected to the amount of nearly sixteen millions, and the charge of annual interest will have been reduced upward of one million. But among the maxims of political economy which the stewards of the public moneys should never suffer without urgent necessity to be transcended is that of keeping the expenditures of the year within the limits of its receipts. The appropriations of the two last years, including the yearly ten millions of the sinking fund, have each equaled the promised revenue of the ensuing year. While we foresee with confidence that the public coffers will be replenished from the receipts as fast as they will be drained by the expenditures, equal in amount to those of the current year, it should not be forgotten that they could ill suffer the exhaustion of larger disbursements.

The condition of the Army and of all the branches of the public service under the superintendence of the Secretary of War will be seen by the report from that officer and the documents with which it is accompanied.

During the last summer a detachment of the Army has been usefully and successfully called to perform their appropriate duties. At the moment when the commissioners appointed for carrying into execution certain provisions of the treaty of August 19, 1825, with various tribes of the Northwestern Indians were about to arrive at the appointed place of meeting the unprovoked murder of several citizens and other acts of unequivocal hostility committed by a party of the Winnebago tribe, one of those associated in the treaty, followed by indications of a menacing character among other tribes of the same region, rendered necessary an immediate display of the defensive and protective force of the Union in that quarter. It was accordingly exhibited by the immediate and concerted movements of the governors of the State of Illinois and of the Territory of Michigan, and competent levies of militia, under their authority, with a corps of 700 men of United States troops, under the command of General Atkinson, who, at the call of Governor Cass, immediately repaired to the scene of danger from their station at St. Louis. Their presence dispelled the alarms of our fellow-citizens on those borders, and overawed the hostile purposes of the Indians. The perpetrators of the murders were surrendered to the authority and operation of our laws, and every appearance of purposed hostility from those Indian tribes has subsided.

Although the present organization of the Army and the administration of its various branches of service are, upon the whole, satisfactory, they are yet susceptible of much improvement in particulars, some of which have been heretofore submitted to the consideration of Congress, and others are now first presented in the report of the Secretary of War.

The expediency of providing for additional numbers of officers in the two corps of engineers will in some degree depend upon the number and extent of the objects of national importance upon which Congress may think it proper that surveys should be made conformably to the act of the 30th of April, 1824. Of the surveys which before the last session of Congress had been made under the authority of that act, reports were made—

1. Of the Board of Internal Improvement, on the Chesapeake and Ohio Canal.

2. On the continuation of the national road from Cumberland to the tide waters within the District of Columbia.

3. On the continuation of the national road from Canton to Zanesville.

4. On the location of the national road from Zanesville to Columbus.

5. On the continuation of the same to the seat of government in Missouri.

6. On a post-road from Baltimore to Philadelphia.

7. Of a survey of Kennebec River (in part).

8. On a national road from Washington to Buffalo.

9. On the survey of Saugatuck Harbor and River.

10. On a canal from Lake Pontchartrain to the Mississippi River.

11. On surveys at Edgartown, Newburyport, and Hyannis Harbor.

12. On survey of La Plaisance Bay, in the Territory of Michigan.

And reports are now prepared and will be submitted to Congress—

On surveys of the peninsula of Florida, to ascertain the practicability of a canal to connect the waters of the Atlantic with the Gulf of Mexico across that peninsula; and also of the country between the bays of Mobile and of Pensacola, with the view of connecting them together by a canal.

On surveys of a route for a canal to connect the waters of James and Great Kenhawa rivers.

On the survey of the Swash, in Pamlico Sound, and that of Cape Fear, below the town of Wilmington, in North Carolina.

On the survey of the Muscle Shoals, in the Tennessee River, and for a route for a contemplated communication between the Hiwassee and Coosa rivers, in the State of Alabama.

Other reports of surveys upon objects pointed out by the several acts of Congress of the last and preceding sessions are in the progress of preparation, and most of them may be completed before the close of this session. All the officers of both corps of engineers, with several other persons duly qualified, have been constantly employed upon these services from

the passage of the act of 30th April, 1824, to this time. Were no other advantage to accrue to the country from their labors than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union more than adequate to all the expenditures which have been devoted to the object; but the appropriations for the repair and continuation of the Cumberland road, for the construction of various other roads, for the removal of obstructions from the rivers and harbors, for the erection of light-houses, beacons, piers, and buoys, and for the completion of canals undertaken by individual associations, but needing the assistance of means and resources more comprehensive than individual enterprise can command, may be considered rather as treasures laid up from the contributions of the present age for the benefit of posterity than as unrequited applications of the accruing revenues of the nation. To such objects of permanent improvement to the condition of the country, of real addition to the wealth as well as to the comfort of the people by whose authority and resources they have been effected, from three to four millions of the annual income of the nation have, by laws enacted at the three most recent sessions of Congress, been applied, without intrenching upon the necessities of the Treasury, without adding a dollar to the taxes or debts of the community, without suspending even the steady and regular discharge of the debts contracted in former days, which within the same three years have been diminished by the amount of nearly $16,000,000.

The same observations are in a great degree applicable to the appropriations made for fortifications upon the coasts and harbors of the United States, for the maintenance of the Military Academy at West Point, and for the various objects under the superintendence of the Department of the Navy. The report from the Secretary of the Navy and those from the subordinate branches of both the military departments exhibit to Congress in minute detail the present condition of the public establishments dependent upon them, the execution of the acts of Congress relating to them, and the views of the officers engaged in the several branches of the service concerning the improvements which may tend to their perfection. The fortification of the coasts and the gradual increase and improvement of the Navy are parts of a great system of national defense which has been upward of ten years in progress, and which for a series of years to come will continue to claim the constant and persevering protection and superintendence of the legislative authority. Among the measures which have emanated from these principles the act of the last session of Congress for the gradual improvement of the Navy holds a conspicuous place. The collection of timber for the future construction of vessels of war, the preservation and reproduction of the species of timber peculiarly adapted to that purpose, the construction of dry docks for the use of the Navy, the erection of a marine railway for the repair of the public ships, and the improvement of the navy-yards for the preservation of

the public property deposited in them have all received from the Executive the attention required by that act, and will continue to receive it, steadily proceeding toward the execution of all its purposes. The establishment of a naval academy, furnishing the means of theoretic instruction to the youths who devote their lives to the service of their country upon the ocean, still solicits the sanction of the Legislature. Practical seamanship and the art of navigation may be acquired on the cruises of the squadrons which from time to time are dispatched to distant seas, but a competent knowledge even of the art of shipbuilding, the higher mathematics, and astronomy; the literature which can place our officers on a level of polished education with the officers of other maritime nations; the knowledge of the laws, municipal and national, which in their intercourse with foreign states and their governments are continually called into operation, and, above all, that acquaintance with the principles of honor and justice, with the higher obligations of morals and of general laws, human and divine, which constitutes the great distinction between the warrior-patriot and the licensed robber and pirate—these can be systematically taught and eminently acquired only in a permanent school, stationed upon the shore and provided with the teachers, the instruments, and the books conversant with and adapted to the communication of the principles of these respective sciences to the youthful and inquiring mind.

The report from the Postmaster-General exhibits the condition of that Department as highly satisfactory for the present and still more promising for the future. Its receipts for the year ending the 1st of July last amounted to $1,473,551, and exceeded its expenditures by upward of $100,000. It can not be an oversanguine estimate to predict that in less than ten years, of which one-half have elapsed, the receipts will have been more than doubled. In the meantime a reduced expenditure upon established routes has kept pace with increased facilities of public accommodation and additional services have been obtained at reduced rates of compensation. Within the last year the transportation of the mail in stages has been greatly augmented. The number of post-offices has been increased to 7,000, and it may be anticipated that while the facilities of intercourse between fellow-citizens in person or by correspondence will soon be carried to the door of every villager in the Union, a yearly surplus of revenue will accrue which may be applied as the wisdom of Congress under the exercise of their constitutional powers may devise for the further establishment and improvement of the public roads, or by adding still further to the facilities in the transportation of the mails. Of the indications of the prosperous condition of our country, none can be more pleasing than those presented by the multiplying relations of personal and intimate intercourse between the citizens of the Union dwelling at the remotest distances from each other.

Among the subjects which have heretofore occupied the earnest solic-

itude and attention of Congress is the management and disposal of that portion of the property of the nation which consists of the public lands. The acquisition of them, made at the expense of the whole Union, not only in treasure but in blood, marks a right of property in them equally extensive. By the report and statements from the General Land Office now communicated it appears that under the present Government of the United States a sum little short of $33,000,000 has been paid from the common Treasury for that portion of this property which has been purchased from France and Spain, and for the extinction of the aboriginal titles. The amount of lands acquired is near 260,000,000 acres, of which on the 1st of January, 1826, about 139,000,000 acres had been surveyed, and little more than 19,000,000 acres had been sold. The amount paid into the Treasury by the purchasers of the public lands sold is not yet equal to the sums paid for the whole, but leaves a small balance to be refunded. The proceeds of the sales of the lands have long been pledged to the creditors of the nation, a pledge from which we have reason to hope that they will in a very few years be redeemed.

The system upon which this great national interest has been managed was the result of long, anxious, and persevering deliberation. Matured and modified by the progress of our population and the lessons of experience, it has been hitherto eminently successful. More than nine-tenths of the lands still remain the common property of the Union, the appropriation and disposal of which are sacred trusts in the hands of Congress. Of the lands sold, a considerable part were conveyed under extended credits, which in the vicissitudes and fluctuations in the value of lands and of their produce became oppressively burdensome to the purchasers. It can never be the interest or the policy of the nation to wring from its own citizens the reasonable profits of their industry and enterprise by holding them to the rigorous import of disastrous engagements. In March, 1821, a debt of $22,000,000, due by purchasers of the public lands, had accumulated, which they were unable to pay. An act of Congress of the 2d March, 1821, came to their relief, and has been succeeded by others, the latest being the act of the 4th of May, 1826, the indulgent provisions of which expired on the 4th July last. The effect of these laws has been to reduce the debt from the purchasers to a remaining balance of about $4,300,000 due, more than three-fifths of which are for lands within the State of Alabama. I recommend to Congress the revival and continuance for a further term of the beneficent accommodations to the public debtors of that statute, and submit to their consideration, in the same spirit of equity, the remission, under proper discriminations, of the forfeitures of partial payments on account of purchases of the public lands, so far as to allow of their application to other payments.

There are various other subjects of deep interest to the whole Union which have heretofore been recommended to the consideration of Congress, as well by my predecessors as, under the impression of the duties

devolving upon me, by myself. Among these are the debt, rather of justice than gratitude, to the surviving warriors of the Revolutionary war; the extension of the judicial administration of the Federal Government to those extensive and important members of the Union which, having risen into existence since the organization of the present judiciary establishment, now constitute at least one-third of its territory, power, and population; the formation of a more effective and uniform system for the government of the militia, and the amelioration in some form or modification of the diversified and often oppressive codes relating to insolvency. Amidst the multiplicity of topics of great national concernment which may recommend themselves to the calm and patriotic deliberations of the Legislature, it may suffice to say that on these and all other measures which may receive their sanction my hearty cooperation will be given, conformably to the duties enjoined upon me and under the sense of all the obligations prescribed by the Constitution.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of February last, requesting a statement of all the expenses annually incurred in carrying into effect the act of March 2, 1819, for prohibiting the slave trade, including the cost of keeping the ships of war on the coast of Africa and all the incidental expenses growing out of the operation of that act, I transmit a report from the Secretary of the Navy, with the statement, so far as it can be made, required by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *December 11, 1827.*

To the Senate of the United States:

I transmit to the Senate—

1. A convention between the United States and Great Britain for the continuance in force of the convention of 3d July, 1815, after the 20th October, 1828, the term at which it would otherwise expire.

2. A convention between the same parties for continuing in force after the 20th October, 1828, the provisions of the third article of the convention of 20th October, 1818, in relation to the territories westward of the Rocky Mountains.

3. A convention between the same parties for the reference to a friendly

sovereign of the points of difference between them relating to the north-eastern boundary of the United States.

The first and second of these conventions were signed by the plenipotentiaries of the respective parties at London on the 6th day of August and the third on the 29th day of September last.

Copies of them are also communicated, together with the correspondence and documents illustrative of their negotiation.

I request the advice of the Senate with regard to the ratification of each of them.

JOHN QUINCY ADAMS.

WASHINGTON, *December 11, 1827.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of Sweden and Norway, signed at Stockholm by the plenipotentiaries of the two Governments on the 4th day of July last.

A copy of the treaty, with a translation, and the instructions and correspondence relating to the negotiation are also communicated.

JOHN QUINCY ADAMS.

WASHINGTON, *December 12, 1827.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress copies of a report of the surveyor-general of lands northwest of Ohio, with a plat of the northern boundary line of the State of Indiana, surveyed in conformity to the act of Congress to authorize the President of the United States to ascertain and designate the northern boundary of the State of Indiana, passed the 2d of March, 1827.

JOHN QUINCY ADAMS.

WASHINGTON, *December 24, 1827.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 14th instant, requesting a communication of the instructions to the American minister at London for the negotiation of the convention of the 13th of November, 1826, with Great Britain, for indemnity to the claimants under the first article of the treaty of Ghent, together with the letters of the minister accompanying and explaining the said convention, I transmit herewith a report from the Secretary of State, together with the documents desired.

JOHN QUINCY ADAMS.

WASHINGTON, *January 4, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 19th of last month, I communicate herewith a report from the Secretary of State, with copies of the correspondence with the British Government relating to the establishment of light-houses, light-vessels, buoys, and other improvements to the navigation within their jurisdiction, opposite to the coast of Florida, referred to in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 7, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th of last month, I transmit to the House a report from the Secretary of State and the correspondence with the Government of Great Britain relative to the free navigation of the river St. Lawrence.

JOHN QUINCY ADAMS.

WASHINGTON, *January 9, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 7th instant, I transmit herewith Mitchell's map and the map marked A,* as requested by the resolution, desiring that when the Senate shall have no further use for them they may be returned.

JOHN QUINCY ADAMS.

WASHINGTON, *January 15, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 2d instant, requesting information respecting the recovery of debts and property in the Mexican States from persons absconding from the United States, and also respecting the boundary between the State of Louisiana and the Province of Texas, I now transmit a report from the Secretary of State on the subject-matter of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 22, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, articles of agreement signed at the Creek Agency on the 15th of November last by Thomas L. McKenney and John Crowell in behalf of the United States and by the Little Prince and other chiefs and headmen of the Creek

*Relating to the northeastern boundary of the United States.

Nation, with a supplementary article concluded by the said John Crowell with the chiefs and headmen of the nation in general council convened on the 3d instant, embracing a cession by the Creek Nation of all the remnant of their lands within the State of Georgia. Documents connected with the negotiation of the treaty and the instructions under which it was effected are also communicated to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *January 22, 1828.*

To the Senate and House of Representatives of the United States:

By the report of the Secretary of War and the documents from that Department exhibited to Congress at the commencement of their present session they were advised of the measures taken for carrying into execution the act of 4th May, 1826, to authorize the President of the United States to run and mark a line dividing the Territory of Florida from the State of Georgia, and of their unsuccessful result. I now transmit to Congress copies of communications received from the governor of Georgia relating to that subject.

JOHN QUINCY ADAMS.

WASHINGTON, *January 23, 1828.*

To the Senate of the United States:

A resolution of the Senate of the 9th instant requested information relative to the trade between the United States and the colonies of France. A report from the Secretary of State, with a translation of the ordinance of the King of France of the 5th of February, 1826, is herewith transmitted, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 28, 1828.*

To the Senate of the United States:

I transmit to the Senate—

1. A treaty concluded at the Butte des Morts, on Fox River, in the Territory of Michigan, on 11th of August, 1827, between Lewis Cass and Thomas L. McKenney, commissioners of the United States, and the chiefs and headmen of the Chippewa, Menomonie, and Winnebago tribes of Indians.

2. A treaty concluded at St. Joseph, in the Territory of Michigan, on the 19th of September, 1827, between Lewis Cass, commissioner of the United States, and the chiefs and warriors of the Potawatamie tribe of Indians.

Upon which treaties I request the advice of the Senate. The instructions and other documents relating to the negotiation of them are herewith communicated.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1828.*

To the House of Representatives of the United States:

A report from the Secretary of State, with copies of a recent correspondence between the chargé d'affaires from Brazil and him on the subjects of discussion between this Government and that of Brazil,* is transmitted to the House of Representatives, in compliance with a resolution of the House of the 2d instant.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1828.*

To the Senate and House of Representatives of the United States:

I communicate herewith to Congress copies of a treaty of commerce and navigation between the United States and His Majesty the King of Sweden and Norway, concluded at Stockholm on the 4th of July, 1827, and the ratifications of which were exchanged on the 18th ultimo at this city.

JOHN QUINCY ADAMS.

WASHINGTON, *February 14, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 11th instant, requesting copies of the instructions to Andrew Ellicott, commissioner for running the line between the United States and Spain, and of any journal or report of the commissioners, I communicate herewith a report from the Secretary of State, with the documents requested, so far as they are found in the files of that Department.

JOHN QUINCY ADAMS.

WASHINGTON, *February 21, 1828.*

To the Senate and House of Representatives of the United States:

In transmitting to Congress copies of a communication received from the governor of Pennsylvania, with certain resolutions of the legislature of that Commonwealth, relating to the Cumberland road, I deem it my duty to recommend to the consideration of Congress an adequate provision for the permanent preservation and repair of that great national work.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1828.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with documents, containing the instructions of the Government of the United States to Thomas Pinckney under which was negotiated the treaty of San Lorenzo el Real, and relating to the boundary line

*Relating to the detention of American vessels by the naval forces of Brazil.

between the United States and the dominions, at that time, of Spain, as requested by a resolution of the House of the 18th ultimo.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 3d of January last, requesting the communication of information in my possession relative to alleged aggression on the rights of citizens of the United States by persons claiming authority under the government of the Province of New Brunswick, I communicate a report from the Secretary of State, with a copy of that of the special agent mentioned in my message at the commencement of the present session of Congress as having been sent to visit the spot where the cause of complaint had occurred to ascertain the state of the facts, and the result of whose inquiries I then promised to communicate to Congress when it should be received.

The Senate are requested to receive this communication as the fulfillment of that engagement; and in making it I deem it proper to notice with just acknowledgment the liberality with which the minister of His Britannic Majesty residing here and the government of the Province of New Brunswick have furnished the agent of the United States with every facility for the attainment of the information which it was the object of his mission to procure.

Considering the exercise of exclusive territorial jurisdiction upon the grounds in controversy by the government of New Brunswick in the arrest and imprisonment of John Baker as incompatible with the mutual understanding existing between the Governments of the United States and of Great Britain on this subject, a demand has been addressed to the provincial authorities through the minister of Great Britain for the release of that individual from prison, and of indemnity to him for his detention. In doing this it has not been intended to maintain the regularity of his own proceedings or of those with whom he was associated, to which they were not authorized by any sovereign authority of this country.

The documents appended to the report of the agent being original papers belonging to the files of the Department of State, a return of them is requested when the Senate shall have no further use for them.

JOHN QUINCY ADAMS.

WASHINGTON, *March 7, 1828.*

To the Senate of the United States:

The resolution of the Senate of the 28th ultimo, requesting me to cause to be laid before the Senate all papers which might be in the Department of War relating to the treaty concluded at the Butte des Morts, on Fox

River, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa, Menomonie, and Winnebago tribes of Indians, having been referred to the Secretary of War, the report of that officer thereon is herewith inclosed. The papers therein referred to were all transmitted to the Senate with the treaty. Before that event, however, a petition and several other papers had been addressed directly to me, in behalf of certain Indians originally and in part still residing within the State of New York, objecting to the ratification of the treaty, as affecting injuriously their rights and interests. The treaty was itself withheld from the Senate until it was understood at the War Department and by me that by the consent of the persons representing the New York Indians their objections were withdrawn, as by one of them, the Reverend Eleazer Williams, I was personally assured. Those papers, however, addressed directly to me, and which have not been upon the files of the War Department, are now transmitted to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *March 14, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, a treaty concluded at the Wyandot village, near the Wabash, in the State of Indiana, between John Tipton, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the Eel River or Thorntown party of Miami Indians, on the 11th day of February last.

A letter from the commissioner to the Secretary of War, with a copy of the journal of the proceedings which led to the conclusion of the treaty, are communicated with it to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *March 15, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of the 21st ultimo, requesting me to lay before the House correspondence not heretofore communicated between the Government of the United States and that of Great Britain on the subject of the claims of the two Governments to the territory westward of the Rocky Mountains, I transmit herewith a report of the Secretary of State, with the documents requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 21, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a treaty concluded on the 15th day of November, 1827, by commissioners of the United States and the chiefs

and headmen of the Creek Nation of Indians, which was duly ratified on the 4th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *March 22, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 3d instant, touching the formation of a new government by the Cherokee tribe of Indians within the States of North Carolina, Georgia, Tennessee, and Alabama, and requesting copies of certain correspondence relating thereto, I transmit to the House of Representatives a report from the Secretary of War, together with the documents desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March 25, 1828.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, prepared in compliance with the resolution of the House of Representatives of the 25th of February last, requesting copies of instructions and correspondence relating to the settlement of the boundary lines of the United States, or any one of them, under the Government of the Confederated States and by the definitive treaty of peace of 3d September, 1783, with Great Britain.

JOHN QUINCY ADAMS.

WASHINGTON, *April 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 22d ultimo, on the subject of the treaty with the Creek Nation of Indians of the 15th November last, I transmit herewith a report from the Secretary of War, with the documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 15, 1828.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 9th instant, requesting copies of the charges preferred against the agent of the United States for the Creek tribe of Indians since the 1st of January, 1826, and of proceedings had thereon, I transmit herewith a report from the Secretary of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *April 17, 1828.*

To the Senate and House of Representatives of the United States:

In conformity with the practice of all my predecessors, I have during my service in the office of President transmitted to the two Houses of Congress from time to time, by the same private secretary, such messages as a proper discharge of my constitutional duty appeared to me to require. On Tuesday last he was charged with the delivery of a message to each House. Having presented that which was intended for the House of Representatives, whilst he was passing, within the Capitol, from their Hall to the Chamber of the Senate, for the purpose of delivering the other message, he was waylaid and assaulted in the Rotunda by a person, in the presence of a member of the House, who interposed and separated the parties.

I have thought it my duty to communicate this occurrence to Congress, to whose wisdom it belongs to consider whether it is of a nature requiring from them any animadversion, and also whether any further laws or regulations are necessary to insure security in the official intercourse between the President and Congress, and to prevent disorders within the Capitol itself.

In the deliberations of Congress upon this subject it is neither expected nor desired that any consequence shall be attached to the private relation in which my secretary stands to me.

JOHN QUINCY ADAMS.

WASHINGTON, *April 21, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, a treaty of limits between the United States of America and the United Mexican States, concluded by the plenipotentiaries of the two Governments on the 12th of January last. A copy of the treaty and the protocols of conference between the plenipotentiaries during the negotiation are inclosed with it.

JOHN QUINCY ADAMS.

WASHINGTON, *April 22, 1828.*

To the House of Representatives of the United States:

A copy of the opinion of the Attorney-General, dated 17th May, 1826, upon the construction of the award of the Emperor of Russia under the treaty of Ghent and upon certain questions propounded to him in relation thereto, subjoined to a report from the Secretary of State, are herewith communicated to the House, in compliance with their resolution of the 17th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *April 24, 1828.*

To the Senate of the United States:

I transmit to the Senate, for the exercise of their constitutional authority thereon, a treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, signed by their respective plenipotentiaries on the 14th of February last, with a copy of the treaty and the protocols of conference during and subsequent to the negotiation.

JOHN QUINCY ADAMS.

WASHINGTON, *April 28, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 9th instant, requesting a communication of the correspondence between this Government and that of Great Britain on the subject of the trade between the United States and the British colonial possessions in the West Indies and North America, not heretofore communicated, I transmit to the House a report from the Secretary of State, with the correspondence desired.

JOHN QUINCY ADAMS.

WASHINGTON, *April 30, 1828.*

To the Senate and House of Representatives of the United States:

In the month of December last 121 African negroes were landed at Key West from a Spanish slave-trading vessel stranded within the jurisdiction of the United States while pursued by an armed schooner in His Britannic Majesty's service. The collector of the customs at Key West took possession of these persons, who were afterwards delivered over to the marshal of the Territory of East Florida, by whom they were conveyed to St. Augustine, where they still remain.

Believing that the circumstances under which they have been cast upon the compassion of the country are not embraced by the provisions of the act of Congress of 3d March, 1819, or of the other acts prohibiting the slave trade, I submit to the consideration of Congress the expediency of a supplementary act directing and authorizing such measures as may be necessary for removing them from the territory of the United States and for fulfilling toward them the obligations of humanity.

JOHN QUINCY ADAMS.

WASHINGTON, *May 1, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 17th ultimo, relating to the removal of the Indian agency from Fort Wayne, in the

State of Indiana, I transmit a report from the Secretary of War, with the documents and information requested by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 5, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 30th ultimo, requesting information concerning any regulation of the Government of Brazil relative to the reduction of certain duties, I transmit herewith a report from the Secretary of State, exhibiting the information received at that Department on the subject.

JOHN QUINCY ADAMS.

WASHINGTON, *May 5, 1828.*

To the Senate of the United States:

I communicate to the Senate, for their consideration and advice, a treaty of commerce and navigation between the United States and His Majesty the King of Prussia, signed on the 1st instant at this place by the Secretary of State and the chargé d'affaires of Prussia residing here. A copy of the treaty is also transmitted.

JOHN QUINCY ADAMS.

WASHINGTON, *May 9, 1828.*

To the House of Representatives of the United States:

The report of the Secretary of War herewith transmitted, with the documents annexed, contains the information requested by a resolution of the 3d of April last, relating to the payments made to the citizens of Georgia under the fourth article of the treaty with the Creek Nation of 8th February, 1821, and to the disallowances of certain claims exhibited under that treaty, and to the reasons for rejecting the same.

JOHN QUINCY ADAMS.

WASHINGTON, *May 12, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice, the articles of a convention concluded at this place on the 6th instant between the Secretary of War and the chiefs and headmen of the Cherokee Nation west of the Mississippi, duly authorized by their nation. A report from the Secretary of War, with certain documents, and a map illustrative of the convention are submitted with it to the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *May 16, 1828.*

To the Senate and House of Representatives of the United States:

By a communication received from the chargé d'affaires of Prussia, a translation of which is herewith transmitted, it appears that in the ports of that Kingdom all discriminating duties so far as they affected the vessels of the United States and their cargoes have been abolished since the 15th of April, 1826. I recommend to the consideration of Congress a legislative provision whereby the reciprocal application of the same principle may be extended to Prussian vessels and their cargoes which may have arrived in the ports of the United States from and after that day.

JOHN QUINCY ADAMS.

WASHINGTON, *May 19, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of three conventions concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, the ratifications of which were exchanged at London on the 2d of last month:

1. A convention concluded 6th August, 1827, for continuing in force the provisions of the convention of 3d July, 1815.

2. A convention concluded 6th August, 1827, for continuing in force the provisions of the third article of the convention of 20th October, 1818.

3. A convention concluded 29th September, 1827, for carrying into effect the provisions of the fifth article of the treaty of Ghent in relation to the northeastern boundary of the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *May 21, 1828.*

To the House of Representatives of the United States:

I transmit to the House a report* from the Secretary of State, with a copy of the note of the minister of the United States to Spain dated 20th January, 1826, requested by a resolution of the House of the 19th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *May 22, 1828.*

To the House of Representatives of the United States:

The inclosed report from the Secretary of State is accompanied by copies of the correspondence between this Government and the minister

*Relating to the war between Spain and her colonies.

of His Britannic Majesty residing here relating to the arrest and imprisonment of John Baker,* requested by a recent resolution of the House.

JOHN QUINCY ADAMS.

WASHINGTON, *May 22, 1828.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a treaty between the United States of America and the Eel River or Thornton party of Miami Indians, concluded on the 11th of February last at the Wyandot village, near the Wabash, and duly ratified on the 7th instant.

JOHN QUINCY ADAMS.

WASHINGTON, *May 23, 1828.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 8th instant, relating to the accounts and official conduct of Thomas A. Smith, receiver of public moneys at Franklin, Mo., I transmit herewith a report from the Secretary of the Treasury, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *May 23, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 30th ultimo, I transmit herewith a report from the Secretary of State, with copies of the correspondence† with the Brazilian Government, and shewing the measures taken by the Government of the United States in relation to the several topics noticed in the resolution.

JOHN QUINCY ADAMS.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being

*By the authorities of the Province of New Brunswick.

†Relating to alleged blockade by the naval forces of Brazil, imprisonment of American citizens by Brazil, etc.

given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels belonging wholly to citizens of the United States or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and merchandise as aforesaid thereon laden shall be continued, and no longer; and

Whereas satisfactory evidence has been received by me from His Britannic Majesty, as King of Hanover, through the Right Honorable Charles Richard Vaughan, his envoy extraordinary and minister plenipotentiary, that vessels wholly belonging to citizens of the United States or merchandise the produce or manufacture thereof imported in such vessels are not nor shall be on their entering any Hanoverian port subject to the payment of higher duties of tonnage or impost than are levied on Hanoverian ships or merchandise the produce or manufacture of the United States imported in such vessels:

Now, therefore, I, John Quincy Adams, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships and vessels and on goods, wares, and merchandise imported into the United States as imposed a discriminating duty of tonnage between the vessels of the Kingdom of Hanover and vessels of the United States and between goods imported into the United States in vessels of the Kingdom of Hanover and vessels of the United States are suspended and discontinued so far as the same respect the produce or manufacture of the said Kingdom of Hanover, the said suspension to take effect this day and to continue henceforward so long as the reciprocal exemption of the vessels of the United States and of the merchandise laden therein as aforesaid shall be continued in the ports of the Kingdom of Hanover.

Given under my hand, at the city of Washington, this 1st day of July, A. D. 1828, and the fifty-second year of the Independence of the United States.

JOHN QUINCY ADAMS.

By the President:

H. CLAY,

Secretary of State.

EXECUTIVE ORDER.

DEPARTMENT OF WAR,
February 28, 1828.

The Secretary of War, by direction of the President of the United States, announces to the Army the painful intelligence of the decease [the 24th of February] of Major-General Brown.

To say that he was one of the men who have rendered most important services to his country would fall far short of the tribute due to his character. Uniting with the most unaffected simplicity the highest degree of personal valor and of intellectual energy, he stands preeminent before the world and for after ages in that band of heroic spirits who upon the ocean and the land formed and sustained during the second war with Great Britain the martial reputation of their country. To this high and honorable purpose General Brown may be truly said to have sacrificed his life, for the disease which abridged his days and has terminated his career at a period scarcely beyond the meridian of manhood undoubtedly originated in the hardships of his campaigns on the Canada frontier, and in that glorious wound which, though desperate, could not remove him from the field of battle till it was won.

Quick to perceive, sagacious to anticipate, prompt to decide, and daring in execution, he was born with the qualities which constitute a great commander. His military *coup d'œil*, his intuitive penetration, his knowledge of men and his capacity to control them were known to all his companions in arms, and commanded their respect; while the gentleness of his disposition, the courtesy of his deportment, his scrupulous regard to their rights, his constant attention to their wants, and his affectionate attachment to their persons universally won their hearts and bound them to him as a father.

Calm and collected in the presence of the enemy, he was withal tender of human life; in the hour of battle more sparing of the blood of the soldier than his own. In the hour of victory the vanquished enemy found in him a humane and compassionate friend. Not one drop of blood shed in wantonness or cruelty sullies the purity of his fame. Defeat he was never called to endure, but in the crisis of difficulty and danger he displayed untiring patience and fortitude not to be overcome.

Such was the great and accomplished captain whose loss the Army has now, in common with their fellow-citizens of all classes, to deplore. While indulging the kindly impulses of nature and yielding the tribute of a tear upon his grave, let it not be permitted to close upon his bright example as it must upon his mortal remains. Let him be more nobly sepulchered in the hearts of his fellow-soldiers, and his imperishable monument be found in their endeavors to emulate his virtues.

The officers of the Army will wear the badge of mourning for six

months on the left arm and hilt of the sword. Guns will be fired at each military post at intervals of thirty minutes from the rising to the setting of the sun on the day succeeding the arrival of this order, during which the National flag will be suspended at half-mast.

JAMES BARBOUR.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 2, 1828.*

Fellow-Citizens of the Senate and of the House of Representatives:

If the enjoyment in profusion of the bounties of Providence forms a suitable subject of mutual gratulation and grateful acknowledgment, we are admonished at this return of the season when the representatives of the nation are assembled to deliberate upon their concerns to offer up the tribute of fervent and grateful hearts for the never-failing mercies of Him who ruleth over all. He has again favored us with healthful seasons and abundant harvests; He has sustained us in peace with foreign countries and in tranquillity within our borders; He has preserved us in the quiet and undisturbed possession of civil and religious liberty; He has crowned the year with His goodness, imposing on us no other conditions than of improving for our own happiness the blessings bestowed by His hands, and, in the fruition of all His favors, of devoting the faculties with which we have been endowed by Him to His glory and to our own temporal and eternal welfare.

In the relations of our Federal Union with our brethren of the human race the changes which have occurred since the close of your last session have generally tended to the preservation of peace and to the cultivation of harmony. Before your last separation a war had unhappily been kindled between the Empire of Russia, one of those with which our intercourse has been no other than a constant exchange of good offices, and that of the Ottoman Porte, a nation from which geographical distance, religious opinions and maxims of government on their part little suited to the formation of those bonds of mutual benevolence which result from the benefits of commerce had kept us in a state, perhaps too much prolonged, of coldness and alienation. The extensive, fertile, and populous dominions of the Sultan belong rather to the Asiatic than the European division of the human family. They enter but partially into the system of Europe, nor have their wars with Russia and Austria, the European States upon which they border, for more than a century past disturbed the pacific relations of those States with the other great powers of Europe. Neither France nor Prussia nor Great Britain has ever taken part in them, nor is it to be expected that they will at this time.

The declaration of war by Russia has received the approbation or acquiescence of her allies, and we may indulge the hope that its progress and termination will be signalized by the moderation and forbearance no less than by the energy of the Emperor Nicholas, and that it will afford the opportunity for such collateral agency in behalf of the suffering Greeks as will secure to them ultimately the triumph of humanity and of freedom.

The state of our particular relations with France has scarcely varied in the course of the present year. The commercial intercourse between the two countries has continued to increase for the mutual benefit of both. The claims of indemnity to numbers of our fellow-citizens for depredations upon their property, heretofore committed during the revolutionary governments, remain unadjusted, and still form the subject of earnest representation and remonstrance. Recent advices from the minister of the United States at Paris encourage the expectation that the appeal to the justice of the French Government will ere long receive a favorable consideration.

The last friendly expedient has been resorted to for the decision of the controversy with Great Britain relating to the northeastern boundary of the United States. By an agreement with the British Government, carrying into effect the provisions of the fifth article of the treaty of Ghent, and the convention of 29th September, 1827, His Majesty the King of the Netherlands has by common consent been selected as the umpire between the parties. The proposal to him to accept the designation for the performance of this friendly office will be made at an early day, and the United States, relying upon the justice of their cause, will cheerfully commit the arbitrament of it to a prince equally distinguished for the independence of his spirit, his indefatigable assiduity to the duties of his station, and his inflexible personal probity.

Our commercial relations with Great Britain will deserve the serious consideration of Congress and the exercise of a conciliatory and forbearing spirit in the policy of both Governments. The state of them has been materially changed by the act of Congress, passed at their last session, in alteration of the several acts imposing duties on imports, and by acts of more recent date of the British Parliament. The effect of the interdiction of direct trade, commenced by Great Britain and reciprocated by the United States, has been, as was to be foreseen, only to substitute different channels for an exchange of commodities indispensable to the colonies and profitable to a numerous class of our fellow-citizens. The exports, the revenue, the navigation of the United States have suffered no diminution by our exclusion from direct access to the British colonies. The colonies pay more dearly for the necessaries of life which their Government burdens with the charges of double voyages, freight, insurance, and commission, and the profits of our exports are somewhat impaired and more injuriously transferred from one portion of our citizens to another. The resumption of this old and otherwise exploded system of colonial

exclusion has not secured to the shipping interest of Great Britain the relief which, at the expense of the distant colonies and of the United States, it was expected to afford. Other measures have been resorted to more pointedly bearing upon the navigation of the United States, and which, unless modified by the construction given to the recent acts of Parliament, will be manifestly incompatible with the positive stipulations of the commercial convention existing between the two countries. That convention, however, may be terminated with twelve months' notice, at the option of either party.

A treaty of amity, navigation, and commerce between the United States and His Majesty the Emperor of Austria, King of Hungary and Bohemia, has been prepared for signature by the Secretary of State and by the Baron de Lederer, intrusted with full powers of the Austrian Government. Independently of the new and friendly relations which may be thus commenced with one of the most eminent and powerful nations of the earth, the occasion has been taken in it, as in other recent treaties concluded by the United States, to extend those principles of liberal intercourse and of fair reciprocity which intertwine with the exchanges of commerce the principles of justice and the feelings of mutual benevolence. This system, first proclaimed to the world in the first commercial treaty ever concluded by the United States—that of 6th February, 1778, with France—has been invariably the cherished policy of our Union. It is by treaties of commerce alone that it can be made ultimately to prevail as the established system of all civilized nations. With this principle our fathers extended the hand of friendship to every nation of the globe, and to this policy our country has ever since adhered. Whatever of regulation in our laws has ever been adopted unfavorable to the interest of any foreign nation has been essentially defensive and counteracting to similar regulations of theirs operating against us.

Immediately after the close of the War of Independence commissioners were appointed by the Congress of the Confederation authorized to conclude treaties with every nation of Europe disposed to adopt them. Before the wars of the French Revolution such treaties had been consummated with the United Netherlands, Sweden, and Prussia. During those wars treaties with Great Britain and Spain had been effected, and those with Prussia and France renewed. In all these some concessions to the liberal principles of intercourse proposed by the United States had been obtained; but as in all the negotiations they came occasionally in collision with previous internal regulations or exclusive and excluding compacts of monopoly with which the other parties had been trammeled, the advances made in them toward the freedom of trade were partial and imperfect. Colonial establishments, chartered companies, and shipbuilding influence pervaded and encumbered the legislation of all the great commercial states; and the United States, in offering free trade and equal privilege to all, were compelled to acquiesce in many exceptions with

each of the parties to their treaties, accommodated to their existing laws and anterior engagements.

The colonial system by which this whole hemisphere was bound has fallen into ruins, totally abolished by revolutions converting colonies into independent nations throughout the two American continents, excepting a portion of territory chiefly at the northern extremity of our own, and confined to the remnants of dominion retained by Great Britain over the insular archipelago, geographically the appendages of our part of the globe. With all the rest we have free trade, even with the insular colonies of all the European nations, except Great Britain. Her Government also had manifested approaches to the adoption of a free and liberal intercourse between her colonies and other nations, though by a sudden and scarcely explained revulsion the spirit of exclusion has been revived for operation upon the United States alone.

The conclusion of our last treaty of peace with Great Britain was shortly afterwards followed by a commercial convention, placing the direct intercourse between the two countries upon a footing of more equal reciprocity than had ever before been admitted. The same principle has since been much further extended by treaties with France, Sweden, Denmark, the Hanseatic cities, Prussia, in Europe, and with the Republics of Colombia and of Central America, in this hemisphere. The mutual abolition of discriminating duties and charges upon the navigation and commercial intercourse between the parties is the general maxim which characterizes them all. There is reason to expect that it will at no distant period be adopted by other nations, both of Europe and America, and to hope that by its universal prevalence one of the fruitful sources of wars of commercial competition will be extinguished.

Among the nations upon whose Governments many of our fellow-citizens have had long-pending claims of indemnity for depredations upon their property during a period when the rights of neutral commerce were disregarded was that of Denmark. They were soon after the events occurred the subject of a special mission from the United States, at the close of which the assurance was given by His Danish Majesty that at a period of more tranquillity and of less distress they would be considered, examined, and decided upon in a spirit of determined purpose for the dispensation of justice. I have much pleasure in informing Congress that the fulfillment of this honorable promise is now in progress; that a small portion of the claims has already been settled to the satisfaction of the claimants, and that we have reason to hope that the remainder will shortly be placed in a train of equitable adjustment. This result has always been confidently expected, from the character of personal integrity and of benevolence which the Sovereign of the Danish dominions has through every vicissitude of fortune maintained.

The general aspect of the affairs of our neighboring American nations of the south has been rather of approaching than of settled tranquillity.

Internal disturbances have been more frequent among them than their common friends would have desired. Our intercourse with all has continued to be that of friendship and of mutual good will. Treaties of commerce and of boundaries with the United Mexican States have been negotiated, but, from various successive obstacles, not yet brought to a final conclusion.

The civil war which unfortunately still prevails in the Republics of Central America has been unpropitious to the cultivation of our commercial relations with them; and the dissensions and revolutionary changes in the Republics of Colombia and of Peru have been seen with cordial regret by us, who would gladly contribute to the happiness of both. It is with great satisfaction, however, that we have witnessed the recent conclusion of a peace between the Governments of Buenos Ayres and of Brazil, and it is equally gratifying to observe that indemnity has been obtained for some of the injuries which our fellow-citizens had sustained in the latter of those countries. The rest are in a train of negotiation, which we hope may terminate to mutual satisfaction, and that it may be succeeded by a treaty of commerce and navigation, upon liberal principles, propitious to a great and growing commerce, already important to the interests of our country.

The condition and prospects of the revenue are more favorable than our most sanguine expectations had anticipated. The balance in the Treasury on the 1st of January last, exclusive of the moneys received under the convention of 13th of November, 1826, with Great Britain, was $5,861,972.83. The receipts into the Treasury from the 1st of January to the 30th of September last, so far as they have been ascertained to form the basis of an estimate, amount to $18,633,580.27, which, with the receipts of the present quarter, estimated at $5,461,283.40, form an aggregate of receipts during the year of $24,094,863.67. The expenditures of the year may probably amount to $25,637,111.63, and leave in the Treasury on the 1st of January next the sum of $5,125,638.14.

The receipts of the present year have amounted to near two millions more than was anticipated at the commencement of the last session of Congress.

The amount of duties secured on importations from the 1st of January to the 30th of September was about $22,997,000, and that of the estimated accruing revenue is five millions, forming an aggregate for the year of near twenty-eight millions. This is one million more than the estimate made last December for the accruing revenue of the present year, which, with allowances for drawbacks and contingent deficiencies, was expected to produce an actual revenue of $22,300,000. Had these only been realized the expenditures of the year would have been also proportionally reduced, for of these twenty-four millions received upward of nine millions have been applied to the extinction of public debt, bearing an interest of 6 per cent a year, and of course reducing the burden of

interest annually payable in future by the amount of more than half a million. The payments on account of interest during the current year exceed $3,000,000, presenting an aggregate of more than twelve millions applied during the year to the discharge of the public debt, the whole of which remaining due on the 1st of January next will amount only to $58,362,135.78.

That the revenue of the ensuing year will not fall short of that received in the one now expiring there are indications which can scarcely prove deceptive. In our country an uniform experience of forty years has shown that whatever the tariff of duties upon articles imported from abroad has been, the amount of importations has always borne an average value nearly approaching to that of the exports, though occasionally differing in the balance, sometimes being more and sometimes less. It is, indeed, a general law of prosperous commerce that the real value of exports should by a small, and only a small, balance exceed that of imports, that balance being a permanent addition to the wealth of the nation. The extent of the prosperous commerce of the nation must be regulated by the amount of its exports, and an important addition to the value of these will draw after it a corresponding increase of importations. It has happened in the vicissitudes of the seasons that the harvests of all Europe have in the late summer and autumn fallen short of their usual average. A relaxation of the interdict upon the importation of grain and flour from abroad has ensued, a propitious market has been opened to the granaries of our country, and a new prospect of reward presented to the labors of the husbandman, which for several years has been denied. This accession to the profits of agriculture in the middle and western portions of our Union is accidental and temporary. It may continue only for a single year. It may be, as has been often experienced in the revolutions of time, but the first of several scanty harvests in succession. We may consider it certain that for the approaching year it has added an item of large amount to the value of our exports and that it will produce a corresponding increase of importations. It may therefore confidently be foreseen that the revenue of 1829 will equal and probably exceed that of 1828, and will afford the means of extinguishing ten millions more of the principal of the public debt.

This new element of prosperity to that part of our agricultural industry which is occupied in producing the first article of human subsistence is of the most cheering character to the feelings of patriotism. Proceeding from a cause which humanity will view with concern, the sufferings of scarcity in distant lands, it yields a consolatory reflection that this scarcity is in no respect attributable to us; that it comes from the dispensation of Him who ordains all in wisdom and goodness, and who permits evil itself only as an instrument of good; that, far from contributing to this scarcity, our agency will be applied only to the alleviation of its severity, and that in pouring forth from the abundance of our own

THE COTTON-GIN: CREATOR OF COTTON'S KINGDOM

THE COTTON-GIN AND THE SLAVE POWER

"The invention of the cotton-gin in the year 1793 . . . was destined to develop Southern industry and foster slave-labor more effectually than extreme pro-slavery legislation could have done, and to a wider extent than the most earnest abolitionist could have feared. The cotton-plant was indigenous to America, and the climate of the Southern States was peculiarly adapted to its culture. But the great obstacle in the way of cotton production was the excessive labor necessary to clear the cotton fibers from the seed. The complete separation of a pound of fiber was an average day's work; hence the great cost of preparing it for the market limited the growth of cotton to countries like India, where labor is very cheap. Whitney's invention wholly changed these conditions. By the use of his gin, one man was able to separate fifty pounds of cotton from the seed in a day, and in this way the development of a great agricultural industry was made possible. . . .

Cotton fostered slavery; slavery was the cause of the war between the States."

JAMES FORD RHODES.

Cotton production was so limited before the invention of the cotton-gin that in 1793, the year in which the machine was invented, Congress passed a tariff protecting the domestic crop by a tax of three cents per pound on foreign grown cotton. The production of cotton from 1789 to 1860 increased a thousandfold.

tariff adopted at the last session of Congress shall be found by experience to bear oppressively upon the interests of any one section of the Union, it ought to be, and I can not doubt will be, so modified as to alleviate its burden. To the voice of just complaint from any portion of their constituents the representatives of the States and of the people will never turn away their ears. But so long as the duty of the foreign shall operate only as a bounty upon the domestic article; while the planter and the merchant and the shepherd and the husbandman shall be found thriving in their occupations under the duties imposed for the protection of domestic manufactures, they will not repine at the prosperity shared with themselves by their fellow-citizens of other professions, nor denounce as violations of the Constitution the deliberate acts of Congress to shield from the wrongs of foreign laws the native industry of the Union. While the tariff of the last session of Congress was a subject of legislative deliberation it was foretold by some of its opposers that one of its necessary consequences would be to impair the revenue. It is yet too soon to pronounce with confidence that this prediction was erroneous. The obstruction of one avenue of trade not unfrequently opens an issue to another. The consequence of the tariff will be to increase the exportation and to diminish the importation of some specific articles; but by the general law of trade the increase of exportation of one article will be followed by an increased importation of others, the duties upon which will supply the deficiencies which the diminished importation would otherwise occasion. The effect of taxation upon revenue can seldom be foreseen with certainty. It must abide the test of experience. As yet no symptoms of diminution are perceptible in the receipts of the Treasury. As yet little addition of cost has even been experienced upon the articles burdened with heavier duties by the last tariff. The domestic manufacturer supplies the same or a kindred article at a diminished price, and the consumer pays the same tribute to the labor of his own countryman which he must otherwise have paid to foreign industry and toil.

The tariff of the last session was in its details not acceptable to the great interests of any portion of the Union, not even to the interest which it was specially intended to subserve. Its object was to balance the burdens upon native industry imposed by the operation of foreign laws, but not to aggravate the burdens of one section of the Union by the relief afforded to another. To the great principle sanctioned by that act—one of those upon which the Constitution itself was formed—I hope and trust the authorities of the Union will adhere. But if any of the duties imposed by the act only relieve the manufacturer by aggravating the burden of the planter, let a careful revisal of its provisions, enlightened by the practical experience of its effects, be directed to retain those which impart protection to native industry and remove or supply the place of those which only alleviate one great national interest by the depression of another.

The United States of America and the people of every State of which they are composed are each of them sovereign powers. The legislative authority of the whole is exercised by Congress under authority granted them in the common Constitution. The legislative power of each State is exercised by assemblies deriving their authority from the constitution of the State. Each is sovereign within its own province. The distribution of power between them presupposes that these authorities will move in harmony with each other. The members of the State and General Governments are all under oath to support both, and allegiance is due to the one and to the other. The case of a conflict between these two powers has not been supposed, nor has any provision been made for it in our institutions; as a virtuous nation of ancient times existed more than five centuries without a law for the punishment of parricide.

More than once, however, in the progress of our history have the people and the legislatures of one or more States, in moments of excitement, been instigated to this conflict; and the means of effecting this impulse have been allegations that the acts of Congress to be resisted were *unconstitutional*. The people of no one State have ever delegated to their legislature the power of pronouncing an act of Congress unconstitutional, but they have delegated to them powers by the exercise of which the execution of the laws of Congress within the State may be resisted. If we suppose the case of such conflicting legislation sustained by the corresponding executive and judicial authorities, patriotism and philanthropy turn their eyes from the condition in which the parties would be placed, and from that of the people of both, which must be its victims.

The reports from the Secretary of War and the various subordinate offices of the resort of that Department present an exposition of the public administration of affairs connected with them through the course of the current year. The present state of the Army and the distribution of the force of which it is composed will be seen from the report of the Major-General. Several alterations in the disposal of the troops have been found expedient in the course of the year, and the discipline of the Army, though not entirely free from exception, has been generally good.

The attention of Congress is particularly invited to that part of the report of the Secretary of War which concerns the existing system of our relations with the Indian tribes. At the establishment of the Federal Government under the present Constitution of the United States the principle was adopted of considering them as foreign and independent powers and also as proprietors of lands. They were, moreover, considered as savages, whom it was our policy and our duty to use our influence in converting to Christianity and in bringing within the pale of civilization.

As independent powers, we negotiated with them by treaties; as proprietors, we purchased of them all the lands which we could prevail upon them to sell; as brethren of the human race, rude and ignorant, we

endeavored to bring them to the knowledge of religion and of letters. The ultimate design was to incorporate in our own institutions that portion of them which could be converted to the state of civilization. In the practice of European States, before our Revolution, they had been considered *as children* to be governed; as tenants at discretion, to be dispossessed as occasion might require; as hunters to be indemnified by trifling concessions for removal from the grounds from which their game was extirpated. In changing the system it would seem as if a full contemplation of the consequences of the change had not been taken. We have been far more successful in the acquisition of their lands than in imparting to them the principles or inspiring them with the spirit of civilization. But in appropriating to ourselves their hunting grounds we have brought upon ourselves the obligation of providing them with subsistence; and when we have had the rare good fortune of teaching them the arts of civilization and the doctrines of Christianity we have unexpectedly found them forming in the midst of ourselves communities claiming to be independent of ours and rivals of sovereignty within the territories of the members of our Union. This state of things requires that a remedy should be provided—a remedy which, while it shall do justice to those unfortunate children of nature, may secure to the members of our confederation their rights of sovereignty and of soil. As the outline of a project to that effect, the views presented in the report of the Secretary of War are recommended to the consideration of Congress.

The report from the Engineer Department presents a comprehensive view of the progress which has been made in the great systems promotive of the public interest, commenced and organized under authority of Congress, and the effects of which have already contributed to the security, as they will hereafter largely contribute to the honor and dignity, of the nation.

The first of these great systems is that of fortifications, commenced immediately after the close of our last war, under the salutary experience which the events of that war had impressed upon our countrymen of its necessity. Introduced under the auspices of my immediate predecessor, it has been continued with the persevering and liberal encouragement of the Legislature, and, combined with corresponding exertions for the gradual increase and improvement of the Navy, prepares for our extensive country a condition of defense adapted to any critical emergency which the varying course of events may bring forth. Our advances in these concerted systems have for the last ten years been steady and progressive, and in a few years more will be so completed as to leave no cause for apprehension that our seacoast will ever again offer a theater of hostile invasion.

The next of these cardinal measures of policy is the preliminary to great and lasting works of public improvement in the surveys of roads, examination for the course of canals, and labors for the removal of the

obstructions of rivers and harbors, first commenced by the act of Congress of 30th of April, 1824.

The report exhibits in one table the funds appropriated at the last and preceding sessions of Congress for all these fortifications, surveys, and works of public improvement, the manner in which these funds have been applied, the amount expended upon the several works under construction, and the further sums which may be necessary to complete them; in a second, the works projected by the Board of Engineers which have not been commenced, and the estimate of their cost; in a third, the report of the annual Board of Visitors at the Military Academy at West Point.

For thirteen fortifications erecting on various points of our Atlantic coast, from Rhode Island to Louisiana, the aggregate expenditure of the year has fallen little short of $1,000,000. For the preparation of five additional reports of reconnoissances and surveys since the last session of Congress, for the civil constructions upon thirty-seven different public works commenced, eight others for which specific appropriations have been made by acts of Congress, and twenty other incipient surveys under the authority given by the act of 30th April, 1824, about one million more of dollars has been drawn from the Treasury.

To these $2,000,000 is to be added the appropriation of $250,000 to commence the erection of a breakwater near the mouth of the Delaware River, the subscriptions to the Delaware and Chesapeake, the Louisville and Portland, the Dismal Swamp, and the Chesapeake and Ohio canals, the large donations of lands to the States of Ohio, Indiana, Illinois, and Alabama for objects of improvements within those States, and the sums appropriated for light-houses, buoys, and piers on the coast; and a full view will be taken of the munificence of the nation in the application of its resources to the improvement of its own condition.

Of these great national undertakings the Academy at West Point is among the most important in itself and the most comprehensive in its consequences. In that institution a part of the revenue of the nation is applied to defray the expense of educating a competent portion of her youth chiefly to the knowledge and the duties of military life. It is the living armory of the nation. While the other works of improvement enumerated in the reports now presented to the attention of Congress are destined to ameliorate the face of nature, to multiply the facilities of communication between the different parts of the Union, to assist the labors, increase the comforts, and enhance the enjoyments of individuals, the instruction acquired at West Point enlarges the dominion and expands the capacities of the mind. Its beneficial results are already experienced in the composition of the Army, and their influence is felt in the intellectual progress of society. The institution is susceptible still of great improvement from benefactions proposed by several successive Boards of Visitors, to whose earnest and repeated recommendations I cheerfully add my own.

With the usual annual reports from the Secretary of the Navy and the Board of Commissioners will be exhibited to the view of Congress the execution of the laws relating to that department of the public service. The repression of piracy in the West Indian and in the Grecian seas has been effectually maintained, with scarcely any exception. During the war between the Governments of Buenos Ayres and of Brazil frequent collisions between the belligerent acts of power and the rights of neutral commerce occurred. Licentious blockades, irregularly enlisted or impressed seamen, and the property of honest commerce seized with violence, and even plundered under legal pretenses, are disorders never separable from the conflicts of war upon the ocean. With a portion of them the correspondence of our commanders on the eastern aspect of the South American coast and among the islands of Greece discover how far we have been involved. In these the honor of our country and the rights of our citizens have been asserted and vindicated. The appearance of new squadrons in the Mediterranean and the blockade of the Dardanelles indicate the danger of other obstacles to the freedom of commerce and the necessity of keeping our naval force in those seas. To the suggestions repeated in the report of the Secretary of the Navy, and tending to the permanent improvement of this institution, I invite the favorable consideration of Congress.

A resolution of the House of Representatives requesting that one of our small public vessels should be sent to the Pacific Ocean and South Sea to examine the coasts, islands, harbors, shoals, and reefs in those seas, and to ascertain their true situation and description, has been put in a train of execution. The vessel is nearly ready to depart. The successful accomplishment of the expedition may be greatly facilitated by suitable legislative provisions, and particularly by an appropriation to defray its necessary expense. The addition of a second, and perhaps a third, vessel, with a slight aggravation of the cost, would contribute much to the safety of the citizens embarked on this undertaking, the results of which may be of the deepest interest to our country.

With the report of the Secretary of the Navy will be submitted, in conformity to the act of Congress of 3d March, 1827, for the gradual improvement of the Navy of the United States, statements of the expenditures under that act and of the measures taken for carrying the same into effect. Every section of that statute contains a distinct provision looking to the great object of the whole—the gradual improvement of the Navy. Under its salutary sanction stores of ship timber have been procured and are in process of seasoning and preservation for the future uses of the Navy. Arrangements have been made for the preservation of the live-oak timber growing on the lands of the United States, and for its reproduction, to supply at future and distant days the waste of that most valuable material for shipbuilding by the great consumption of it yearly for the commercial as well as for the military marine of our

country. The construction of the two dry docks at Charlestown and at Norfolk is making satisfactory progress toward a durable establishment. The examinations and inquiries to ascertain the practicability and expediency of a marine railway at Pensacola, though not yet accomplished, have been postponed but to be more effectually made. The navy-yards of the United States have been examined, and plans for their improvement and the preservation of the public property therein at Portsmouth, Charlestown, Philadelphia, Washington, and Gosport, and to which two others are to be added, have been prepared and received my sanction; and no other portion of my public duties has been performed with a more intimate conviction of its importance to the future welfare and security of the Union.

With the report from the Postmaster-General is exhibited a comparative view of the gradual increase of that establishment, from five to five years, since 1792 till this time in the number of post-offices, which has grown from less than 200 to nearly 8,000; in the revenue yielded by them, which from $67,000 has swollen to upward of a million and a half, and in the number of miles of post-roads, which from 5,642 have multiplied to 114,536. While in the same period of time the population of the Union has about thrice doubled, the rate of increase of these offices is nearly 40, and of the revenue and of traveled miles from 20 to 25 for 1. The increase of revenue within the last five years has been nearly equal to the whole revenue of the Department in 1812.

The expenditures of the Department during the year which ended on the 1st of July last have exceeded the receipts by a sum of about $25,000. The excess has been occasioned by the increase of mail conveyances and facilities to the extent of near 800,000 miles. It has been supplied by collections from the postmasters of the arrearages of preceding years. While the correct principle seems to be that the income levied by the Department should defray all its expenses, it has never been the policy of this Government to raise from this establishment any revenue to be applied to any other purposes. The suggestion of the Postmaster-General that the insurance of the safe transmission of moneys by the mail might be assumed by the Department for a moderate and competent remuneration will deserve the consideration of Congress.

A report from the commissioner of the public buildings in this city exhibits the expenditures upon them in the course of the current year. It will be seen that the humane and benevolent intentions of Congress in providing, by the act of 20th May, 1826, for the erection of a penitentiary in this District have been accomplished. The authority of further legislation is now required for the removal to this tenement of the offenders against the laws sentenced to atone by personal confinement for their crimes, and to provide a code for their employment and government while thus confined.

The commissioners appointed, conformably to the act of 2d March,

1827, to provide for the adjustment of claims of persons entitled to indemnification under the first article of the treaty of Ghent, and for the distribution among such claimants of the sum paid by the Government of Great Britain under the convention of 13th of November, 1826, closed their labors on the 30th of August last by awarding to the claimants the sum of $1,197,422.18, leaving a balance of $7,537.82, which was distributed ratably amongst all the claimants to whom awards had been made, according to the directions of the act.

The exhibits appended to the report from the Commissioner of the General Land Office present the actual condition of that common property of the Union. The amount paid into the Treasury from the proceeds of lands during the year 1827 and the first half of 1828 falls little short of $2,000,000. The propriety of further extending the time for the extinguishment of the debt due to the United States by the purchasers of the public lands, limited by the act of 21st March last to the 4th of July next, will claim the consideration of Congress, to whose vigilance and careful attention the regulation, disposal, and preservation of this great national inheritance has by the people of the United States been intrusted.

Among the important subjects to which the attention of the present Congress has already been invited, and which may occupy their further and deliberate discussion, will be the provision to be made for taking the fifth census or enumeration of the inhabitants of the United States. The Constitution of the United States requires that this enumeration should be made within every term of ten years, and the date from which the last enumeration commenced was the first Monday of August of the year 1820. The laws under which the former enumerations were taken were enacted at the session of Congress immediately preceding the operation; but considerable inconveniences were experienced from the delay of legislation to so late a period. That law, like those of the preceding enumerations, directed that the census should be taken by the marshals of the several districts and Territories of the Union under instructions from the Secretary of State. The preparation and transmission to the marshals of those instructions required more time than was then allowed between the passage of the law and the day when the enumeration was to commence. The term of six months limited for the returns of the marshals was also found even then too short, and must be more so now, when an additional population of at least 3,000,000 must be presented upon the returns. As they are to be made at the short session of Congress, it would, as well as from other considerations, be more convenient to commence the enumeration from an earlier period of the year than the 1st of August. The most favorable season would be the spring. On a review of the former enumerations it will be found that the plan for taking every census has contained many improvements upon that of its predecessor. The last is still susceptible of much improvement. The

Third Census was the first at which any account was taken of the manufactures of the country. It was repeated at the last enumeration, but the returns in both cases were necessarily very imperfect. They must always be so, resting, of course, only upon the communications voluntarily made by individuals interested in some of the manufacturing establishments. Yet they contained much valuable information, and may by some supplementary provision of the law be rendered more effective. The columns of age, commencing from infancy, have hitherto been confined to a few periods, all under the number of 45 years. Important knowledge would be obtained by extending these columns, in intervals of ten years, to the utmost boundaries of human life. The labor of taking them would be a trifling addition to that already prescribed, and the result would exhibit comparative tables of longevity highly interesting to the country. I deem it my duty further to observe that much of the imperfections in the returns of the last and perhaps of preceding enumerations proceeded from the inadequateness of the compensations allowed to the marshals and their assistants in taking them.

In closing this communication it only remains for me to assure the Legislature of my continued earnest wish for the adoption of measures recommended by me heretofore and yet to be acted on by them, and of the cordial concurrence on my part in every constitutional provision which may receive their sanction during the session tending to the general welfare.

JOHN QUINCY ADAMS.

SPECIAL MESSAGES.

WASHINGTON, *December 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 2d of April last, I transmit a copy of the letter from the Cherokee Council to Colonel Hugh Montgomery, the agent, requested by the resolution, with a report* from the Secretary of War.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1828.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 23d of May last, I transmit a report from the Secretary of War, with documents, containing the information requested, relating to the harbors, roads, and other works of internal improvements undertaken and projected since the 30th April, 1824.

JOHN QUINCY ADAMS.

*Relating to a survey for a canal through the Cherokee country.

WASHINGTON, *December 8, 1828.*

To the Senate of the United States:

I communicate to the Senate, for their advice with regard to its ratification, a treaty made and concluded at the missionary establishment upon the St. Joseph of Lake Michigan the 20th day of September last, between Lewis Cass and Pierre Menard, commissioners of the United States, and the Potawatamie tribe of Indians, the journal and report of the commissioners accompanying the treaty.

JOHN QUINCY ADAMS.

WASHINGTON, *December 8, 1828.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of War, with documents, prepared in compliance with their resolution of the 26th of May last, concerning the practicability and probable cost of constructing an artificial harbor, commonly called a "breakwater," at or near the mouth of the Mississippi.

JOHN QUINCY ADAMS.

WASHINGTON, *December 9, 1828.*

To the Senate of the United States:

The inclosed report from the Secretary of State and subjoined documents are transmitted to the Senate in compliance with their resolution of 25th April last, requesting information concerning the number of free taxable inhabitants *who are not freeholders* in certain States and Territories of the Union.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1828.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 8th instant, referring to a negotiation of the British Government, by virtue of a resolution of the House of the 10th of May last, relative to the surrender of fugitive slaves, I transmit herewith a report from the Secretary of State, with copies of instructions and correspondence, containing the desired information.

JOHN QUINCY ADAMS.

WASHINGTON, *December 15, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their constitutional advice, an additional article, signed on the 4th day of June last, to the convention of friendship, commerce, and navigation between the United States and the Hanseatic

Republics of Lubeck, Bremen, and Hamburg concluded at this place on the 20th December, 1827. A copy of the article is likewise inclosed.

JOHN QUINCY ADAMS.

WASHINGTON, *December 16, 1828.*

To the Senate of the United States:

I transmit to the Senate, for their advice, articles of agreement concluded at Green Bay, in the Territory of Michigan, on the 20th of August last, between Lewis Cass and Pierre Menard, commissioners on the part of the United States, and the chiefs of the Winnebago tribe and of the united tribes of the Potawatamies, Chippewas, and Ottawas, being a temporary arrangement concerning the occupation of a certain portion of the mining country which has not heretofore been ceded to the United States.

JOHN QUINCY ADAMS.

WASHINGTON, *December 22, 1828.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of War, with documents, reported in compliance with the resolution of the House of the 10th instant, requesting a copy of the instructions given for the government of the agent of the United States superintendent of the lead mines in Missouri and Illinois.

Also a report from the Secretary of War, in compliance with the resolution of the House of the 15th instant, setting forth the reasons upon which it has not been deemed expedient to nominate commissioners to hold a treaty with the Choctaw Nation of Indians for the purchase of a certain tract of land, as authorized by the act of Congress of the 24th of May last.

JOHN QUINCY ADAMS.

WASHINGTON, *January 1, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 18th ultimo, I communicate to the House a report from the Secretary of War, containing the information required in relation to the intended frauds upon the revenue, which has rendered expedient the stationing additional troops on the Niagara frontier. The other evidence embraced by the resolution, and in possession of the Government, does not, in my judgment, at present render any further employment of a regular armed force for the enforcement of the revenue laws necessary.

JOHN QUINCY ADAMS.

WASHINGTON, *January 7, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 19th May last, requesting a copy of the correspondence between the minister of the United States at the Court of Madrid and the Government of Spain on the subject of claims of citizens of the United States against the said Government, I transmit herewith a report from the Secretary of State, with the correspondence desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 14, 1829.*

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State, with supplemental returns of free taxable inhabitants not freeholders in certain States and Territories of the United States, which returns have been received since my message to the Senate of the 9th December last.

JOHN QUINCY ADAMS.

WASHINGTON, *January 17, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, I transmit herewith a report* from the Secretary of War, with an application from the Creek Indians, through the agent of the United States, and an opinion of counsel in behalf of the Indians, having relation to the subject of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 21, 1829.*

To the House of Representatives of the United States:

In compliance with two resolutions of the House of Representatives of the 5th instant, requesting information received not heretofore communicated in relation to the arrest and trial in the British Province of New Brunswick of John Baker, a citizen of the United States, and the correspondence between the Government of the United States and that of Great Britain in relation to the said arrest and to the usurpation of jurisdiction by the British government of New Brunswick within the limits of the State of Maine, I transmit a report from the Secretary of State, with the information and correspondence requested by the House.

JOHN QUINCY ADAMS.

*Relating to claims of Georgia and the Creek Indians under the treaty of 1821, held at Indian Springs.

WASHINGTON, *January 21, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of two treaties with Indian tribes, which have been ratified:

1. Articles of agreement between the United States of America and the Winnebago tribe and the united tribes of Potawatamie, Chippeway, and Ottawa Indians, concluded at Green Bay 25th August, 1828.

2. Treaty between the United States of America and the Potawatamie tribe of Indians, concluded at the missionary establishment upon the St. Joseph of Lake Michigan 20th September, 1828.

Both by Lewis Cass and Pierre Menard, commissioners on the part of the United States, with certain chiefs and warriors of the respective tribes.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 17th instant, requesting copies of the instructions to the commissioners of the United States who made the treaty at the Indian Springs in 1821, I transmit to the House a report from the Secretary of War of the 22d instant, with copies of those instructions.

And in compliance with a resolution of the House of the 20th instant, requesting a communication of the journal of the above-mentioned commissioners, I transmit a report from the Secretary of War of the 24th instant, with copies of the papers, which it is believed will supply the information desired by the resolution, no regular journal having been transmitted by the commissioners to the Department.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the House of Representatives of the United States:

I transmit herewith a report from the Secretary of State, with voluminous documents prepared and collected in compliance with a resolution of the House of Representatives of the 13th January, 1825, calling for a statement of convictions, executions, and pardons for capital offenses under the authority of the Government of the United States since the adoption of the Constitution.

JOHN QUINCY ADAMS.

WASHINGTON, *January 26, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a convention of friendship, commerce, and navigation between the United States and the free Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications of which were

exchanged at this place on the 2d day of June last; and also of an additional article to the same convention, signed on the 4th day of June last, and the ratifications of which were exchanged at this city on the 14th of the present month.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1829.*

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: I transmit herewith a letter which I have received from Mr. David, member of the Institute of France, professor of the School of Painting at Paris, and member of the Legion of Honor, the artist who presents to Congress the bust of General Lafayette which has been received with it; and I have to request the favor that after it has been communicated to the Senate it may be transmitted to the Speaker of the House of Representatives for similar communication to that body.

JOHN QUINCY ADAMS.

WASHINGTON, *January 29, 1829.*

To the Senate of the United States:

I nominate Stephen Clin, of Georgia, to be secretary of the legation of the United States at the Court of Great Britain.

Jesse H. Willis, of Florida, to be collector of the customs for the recently established district of St. Marks and inspector of the revenue for the port of Magnolia, in Florida.

And I nominate for reappointment Callender Irvine, of Pennsylvania, to be Commissary-General of Purchases. It is proper to apprise the Senate that this office is one of those which by the act of Congress of 15th May, 1820, is limited to the term of four years; that it was held by Mr. Irvine at the time of the passage of that act, but that by some inadvertence he has not hitherto been nominated for reappointment. The fact having but just now been ascertained by me, I deem it my duty to make the nomination. Mr. Irvine has hitherto performed the duties of the office under his original appointment.

JOHN QUINCY ADAMS.

WASHINGTON, *January 30, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 13th instant, requesting information of the measures taken in execution of the act of 9th May last, making an appropriation for carrying into effect the articles of agreement and cession of 24th April, 1802, between the State of Georgia and the United States, and also in execution of

certain provisions of the treaty of May last with the Cherokee Indians, I transmit to the House a report from the Secretary of War, with documents, comprising the desired information.

JOHN QUINCY ADAMS.

WASHINGTON, *February 2, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th ultimo, requesting information received since the last session of Congress from the Mexican Government respecting the recovery of debts in that country due to American citizens, I transmit a report from the Secretary of State, with copies of a letter of instructions to the minister of the United States in Mexico, and of his answer, relating to the subject of the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 9th of December last, requesting a detailed statement of the amount expended by the Federal Government upon works of internal improvement within the limits of the several States, with an estimate of the amount necessary to complete any work begun and not yet completed, I transmit herewith reports from the Secretaries of the Treasury and of War, with documents, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 6, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 4th instant, I transmit herewith a report from the Secretary of War, with that of the commissioner appointed to locate the national road from Zanesville, in Ohio, to the seat of government of the State of Missouri.

JOHN QUINCY ADAMS.

WASHINGTON, *February 11, 1829.*

To the Senate and House of Representatives of the United States:

By the act of Congress of the 23d of May last, "supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," provision was made for the final adjudication of such claims by the judges of the superior courts of the districts wherein the lands claimed respectively lie, and by appeal from them to the Supreme Court of the United States; and the attorneys of the United States in the

several districts were charged with the duty, in every case where the decision should be against the United States by the judge of the superior court of the district, to make out and transmit to the Attorney-General of the United States a statement containing the facts of the case and the points of law on which the same was decided, and it was made the duty of the Attorney-General in most of those cases to direct an appeal to be made to the Supreme Court of the United States and to appear for the United States and prosecute such appeals. By the same act the President of the United States was authorized to appoint a law agent to superintend the interests of the United States in the premises, and to employ assistant counsel if in his opinion the public interest should require the same.

In the process of carrying into execution this law it was the opinion of the Attorney-General of the United States that a translated complete collection of all the Spanish and French ordinances, etc., affecting the land titles in Florida and the other territories heretofore belonging to France and Spain, would be indispensable to a just decision of those claims by the Supreme Court. At his suggestion the task of preparing this compilation was undertaken by Joseph M. White, of Florida, who was employed as assistant counsel in behalf of the United States. The collection has accordingly been made and is deposited in manuscript at the Department of State, subject to such order as Congress may see fit to take concerning it. The letter from Mr. White to the Secretary of State, with a descriptive list of the documents collected and thus deposited, is herewith transmitted to Congress.

JOHN QUINCY ADAMS.

WASHINGTON, *February 16, 1829.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 5th instant, requesting detailed statements of the expenses incurred and of those which may be necessary for the expedition proposed for exploring the Pacific Ocean and South Seas, and also of the several amounts transferred from the different heads of appropriation for the support of the Navy to this object and the authority by which such transfers have been made, I transmit herewith a report from the Secretary of the Navy, with documents, from which the Senate will perceive that no such transfer has been made, and which contain the other information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 20, 1829.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 10th instant, requesting copies of correspondence and communications from 20th Octo-

ber, 1816, to 24th November, 1817, received at the Department of State from the American commissioner under the fourth article of the treaty of Ghent, I transmit herewith a report from the Secretary of State, with the copies of papers mentioned in the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *February 20, 1829.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with documents, prepared in pursuance of their resolution of the 31st of December last, and showing the amount of expenses incurred in the survey, sale, and management of the public lands for the year 1827.

JOHN QUINCY ADAMS.

WASHINGTON, *February 25, 1829.*

To the Senate and House of Representatives of the United States:

By the act of Congress of the 3d March, 1826, for the survey of a route for a canal between the Atlantic and the Gulf of Mexico, the President of the United States was authorized to cause to be made an accurate and minute examination of the country south of the St. Marys River, and including the same, with a view to ascertain the most eligible route for a canal admitting the transit of boats to connect the Atlantic with the Gulf of Mexico, and also with a view to ascertain the practicability of a ship channel; that he cause particularly to be examined the route to the Appalachicola River or Bay, with a view to both the above objects; that he cause the necessary surveys, both by land and along the coast, with estimates of the expense of each, accompanied with proper plans, notes, observations, explanations, and opinions of the Board of Engineers, and that he cause a full report of these proceedings to be made to Congress.

In execution of this law I transmit herewith a report from the Secretary of War, with a copy of that of the Board of Engineers, upon this great and most desirable national work. The time not having allowed a copy to be taken of the map, one copy only of the whole report is transmitted to the Senate, with the request that it may be communicated to the House of Representatives, and that the map may be ultimately returned to the Department of War.

JOHN QUINCY ADAMS.

WASHINGTON, *February 26, 1829.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 20th instant, I transmit herewith a report from the Secretary of War, with the inspection reports of Brevet Major-General Gaines for the years 1826 and 1827,

relating to the organization of the Army and militia of the United States, with the request that the original documents may be returned to the Department of War at the convenience of the Senate.

JOHN QUINCY ADAMS.

WASHINGTON, *February 26, 1829.*

To the Senate of the United States:

I transmit herewith to the Senate, for their constitutional advice with regard to its ratification, a treaty of amity, commerce, and navigation between the United States and His Majesty the Emperor of Brazil, signed by the plenipotentiaries of the respective Governments at Rio de Janeiro on the 12th day of December last. A copy of the treaty is likewise inclosed, with copies of the instructions under which it was negotiated and a letter from Mr. Tudor elucidating some of its provisions. It is requested that at the convenience of the Senate the original papers may be returned to the Department of State.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1829.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of two Indian treaties, which have been duly ratified:

1. A treaty with the Chippewa, Menominie, and Winnebago Indians, concluded on the 11th of August, 1827, at the Butte des Morts, on Fox River, in the Territory of Michigan, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and certain chiefs and warriors of the said tribes on their part.

2. A treaty with the Potawatamie tribe of Indians, concluded the 19th of September, 1827, at St. Joseph, in the Territory of Michigan, between Lewis Cass, commissioner on the part of the United States, and the chiefs and warriors of the said tribes, on their part.

JOHN QUINCY ADAMS.

WASHINGTON, *February 28, 1829.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 21st instant, requesting any information in my possession as to the practical operation of the recent act of the British Parliament entitled "The customs amendment act," purporting a discrimination of duties upon the importation of cotton from the British North American colonies and showing how far this discrimination may affect existing treaties, I transmit

herewith a report from the Secretary of State, with copies of the instructions and correspondence of the minister of the United States at London, containing the information requested.

JOHN QUINCY ADAMS.

WASHINGTON, *March 3, 1829.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress a copy of the instructions prepared by the Secretary of State and furnished to the ministers of the United States appointed to attend at the assembly of American plenipotentiaries first held at Panama and thence transferred to Tacubaya. The occasion upon which they were given has passed away, and there is no present probability of the renewal of the negotiations; but the purposes for which they were intended are still of the deepest interest to our country and to the world, and may hereafter call again for the active efforts and beneficent energies of the Government of the United States. The motives for withholding them from general publication having ceased, justice to the Government from which they emanated and to the people for whose benefit it was instituted requires that they should be made known. With this view, and from the consideration that the subjects embraced by these instructions must probably engage hereafter the deliberations of our successors, I deem it proper to make this communication to both Houses of Congress. One copy only of the instructions being prepared, I send it to the Senate, requesting that it may be transmitted also to the House of Representatives.

JOHN QUINCY ADAMS.

PROCLAMATION.

[From Senate Journal, Twentieth Congress, second session, p. 196.]

WASHINGTON, *January 12, 1829.*

The President of the United States to ——, Senator for the State of ——:

Certain matters touching the public good requiring that the Senate of the United States should be convened on Wednesday, the 4th day of March next, you are desired to attend at the Senate Chamber, in the city of Washington, on that day, then and there to receive and deliberate on such communications as shall be made to you.

JOHN QUINCY ADAMS.

Andrew Jackson

March 4, 1829, to March 4, 1833

SEE ENCYCLOPEDIC INDEX.

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"THE HERMITAGE," NEAR NASHVILLE, TENNESSEE, HOME OF

ANDREW JACKSON

With official portrait engraved from copy of original in steel

Andrew Jackson

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Andrew Jackson

ANDREW JACKSON was born in the Waxhaw Settlement, North or South Carolina, on the 15th of March, 1767. He was a son of Andrew Jackson, an Irishman, who emigrated to America in 1765 and died in 1767. The name of his mother was Elizabeth Hutchinson. There is little definite information about the schools that he attended. According to Parton, "He learned to read, to write, and cast accounts—little more." Having taken arms against the British in 1781, he was captured, and afterwards wounded by an officer because he refused to clean the officer's boots. About 1785 he began to study law at Salisbury, N. C. In 1788 removed to Nashville, Tenn., where he began to practice law. About 1791 he married Rachel Robards, originally Rachel Donelson, whose first husband was living and had taken preliminary measures to obtain a divorce, which was legally completed in 1793. The marriage ceremony was again performed in 1794. He was a member of the convention which framed the constitution of Tennessee in 1796, and in the autumn of that year was elected Representative to Congress by the people of Tennessee, which State was then entitled to only one member. Supported Thomas Jefferson in the Presidential election of 1796. In 1797 became a Senator of the United States for the State of Tennessee. Resigned his seat in the Senate in 1798; was a judge of the supreme court of Tennessee from 1798 till 1804. After war had been declared against Great Britain, General Jackson (who several years before had been appointed major-general of militia) offered his services and those of 2,500 volunteers in June, 1812. He was ordered to New Orleans, and led a body of 2,070 men in that direction; but at Natchez he received an order, dated February 6, 1813, by which his troops were dismissed from public service. In October, 1813, he took the field against the Creek Indians, whom he defeated at Talladega in November. By his services in this Creek war, which ended in 1814, he acquired great popularity, and in May, 1814, was appointed a major-general in the Regular Army; was soon afterwards ordered to the Gulf of Mexico, to oppose an expected invasion of the British. In November he seized Pensacola, which belonged to Spain, but was used by the British as a base of operations. About the 1st of December he moved his army to New Orleans, where he was successful in two engagements with the British, and afterwards gained his famous victory on January 8, 1815.

This was the last battle of the war, a treaty of peace having been signed on December 24, 1814. In 1817–18 he waged a successful war against the Seminoles in Florida, seized Pensacola, and executed Arbuthnot and Ambrister, two British subjects, accused of inciting the savages to hostile acts against the Americans. He was appointed governor of Florida in 1821. In 1823 was elected a Senator of the United States, and nominated as candidate for the Presidency by the legislature of Tennessee. His competitors were John Quincy Adams, Henry Clay, and William H. Crawford. Jackson received 99 electoral votes, Adams 84, Crawford 41, and Clay 37. As no candidate had a majority, the election devolved on the House of Representatives, and it resulted in the choice of Mr. Adams. In 1828 Jackson was elected President, receiving 178 electoral votes, while Adams received 83; was reelected in 1832, defeating Henry Clay. Retired to private life March 4, 1837. He died at the Hermitage on the 8th of June, 1845, and was buried there.

LETTER FROM THE PRESIDENT ELECT.

CITY OF WASHINGTON, *March 2, 1829.*

J. C. CALHOUN,
Vice-President of the United States.

SIR: Through you I beg leave to inform the Senate that on Wednesday, the 4th instant, at 12 o'clock, I shall be ready to take the oath prescribed by the Constitution previously to entering on a discharge of my official duties, and at such place as the Senate may think proper to designate.

I am, very respectfully, sir, your obedient servant,

ANDREW JACKSON.

FIRST INAUGURAL ADDRESS.

FELLOW-CITIZENS: About to undertake the arduous duties that I have been appointed to perform by the choice of a free people, I avail myself of this customary and solemn occasion to express the gratitude which their confidence inspires and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the Federal Constitution it will devolve on me for a stated period to execute the laws of the United States, to super-

intend their foreign and their confederate relations, to manage their revenue, to command their forces, and, by communications to the Legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties it is now proper for me briefly to explain.

In administering the laws of Congress I shall keep steadily in view the limitations as well as the extent of the Executive power, trusting thereby to discharge the functions of my office without transcending its authority. With foreign nations it will be my study to preserve peace and to cultivate friendship on fair and honorable terms, and in the adjustment of any differences that may exist or arise to exhibit the forbearance becoming a powerful nation rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue in regard to the rights of the separate States I hope to be animated by a proper respect for those sovereign members of our Union, taking care not to confound the powers they have reserved to themselves with those they have granted to the Confederacy.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours, and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously both because it will facilitate the extinguishment of the national debt, the unnecessary duration of which is incompatible with real independence, and because it will counteract that tendency to public and private profligacy which a profuse expenditure of money by the Government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture, commerce, and manufactures should be equally favored, and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the Federal Government, are of high importance.

Considering standing armies as dangerous to free governments in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual

increase of our Navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms; the preservation of our forts, arsenals, and dockyards, and the introduction of progressive improvements in the discipline and science of both branches of our military service are so plainly prescribed by prudence that I should be excused for omitting their mention sooner than for enlarging on their importance. But the bulwark of our defense is the national militia, which in the present state of our intelligence and population must render us invincible. As long as our Government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and of property, liberty of conscience and of the press, it will be worth defending; and so long as it is worth defending a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to, but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give that humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of *reform*, which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment and have placed or continued power in unfaithful or incompetent hands.

In the performance of a task thus generally delineated I shall endeavor to select men whose diligence and talents will insure in their respective stations able and faithful cooperation, depending for the advancement of the public service more on the integrity and zeal of the public officers than on their numbers.

A diffidence, perhaps too just, in my own qualifications will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded and the mind that reformed our system. The same diffidence induces me to hope for instruction and aid from the coordinate branches of the Government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that He will continue to make our beloved country the object of His divine care and gracious benediction.

MARCH 4, 1829.

SPECIAL MESSAGES.

MARCH 6, 1829.

To the Senate of the United States.

GENTLEMEN: The Executive nominations made during the past session of Congress, and which remain unacted on by the Senate, I hereby withdraw from their consideration.

ANDREW JACKSON.

MARCH 6, 1829.

Gentlemen of the Senate:

The treaty of commerce and navigation concluded at Washington on the 1st of May, 1828, between the United States and the King of Prussia, was laid before the Senate, who, by their resolution of the 14th of that month, advised and consented to its ratification by the President.

By the sixteenth article of that treaty it was agreed that the exchange of ratifications should be made within nine months from its date.

On the 15th day of February last, being fifteen days after the time stipulated for the exchange by the terms of the treaty, the chargé d'affaires of the King of Prussia informed the Secretary of State that he had received the Prussian ratification and was ready to exchange it for that of the United States. In reply he was informed of the intention of the President, my late predecessor, not to proceed to the exchange in consequence of the expiration of the time within which it was to be made.

Under these circumstances I have thought it my duty, in order to avoid all future questions, to ask the advice and consent of the Senate to make the proposed exchange.

I send you the original of the treaty, together with a printed copy of it.

ANDREW JACKSON.

MARCH 11, 1829.

To the Senate of the United States.

GENTLEMEN: Brevet rank for ten years' faithful service has produced much confusion in the Army. For this reason the discretion vested in the President of the United States on this subject would not be exercised by any submission of those cases to the Senate but that it has been heretofore the practice to do so. They are accordingly submitted, with other nominations, to fill the offices respectively annexed to their names in the inclosed lists,* for the consideration of the Senate.

ANDREW JACKSON.

*Omitted.

PROCLAMATIONS.

By the President of the United States of America.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 7th of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels belonging wholly to citizens of the United States, or upon merchandise the produce or manufacture thereof imported in the same, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said nation and the merchandise of its produce or manufacture imported into the United States in the same, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise, as aforesaid, therein laden, shall be continued, and no longer; and

Whereas satisfactory evidence has been received by me from His Imperial Majesty the Emperor of Austria, through the Baron de Lederer, his consul-general in the United States, that vessels wholly belonging to citizens of the United States are not, nor shall be, on their entering any Austrian port, from and after the 1st day of January last, subject to the payment of higher duties of tonnage than are levied on Austrian ships:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing duties on the tonnage of ships arriving in the United States as imposed a discriminating duty between the vessels of the Empire of Austria and vessels of the United States are suspended and discontinued, the said suspension to take effect from the day above mentioned and to continue henceforward so long as the reciprocal exemption of the vessels of the United States shall be continued in the ports of the imperial dominions of Austria.

Given under my hand, at the city of Washington, this 11th day of May, A. D. 1829, and the fifty-second* of the Independence of the United States.

[SEAL.]

ANDREW JACKSON.

By the President:

M. Van Buren,

Secretary of State.

*Should be "third" instead of "second."

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Imperial Majesty the Emperor of Austria, through an official communication of the Baron de Lederer, his consul-general in the United States, under date of the 29th of May, 1829, that no other or higher duties of tonnage and impost are imposed or levied since the 1st day of January last in the ports of Austria upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Austrian ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of Austria and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of Austria and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the dominions of Austria in the same, as aforesaid, shall be continued

on the part of the Government of His Imperial Majesty the Emperor of Austria.

Given under my hand, at the city of Washington, this 3d day of June, A. D. 1829, and the fifty-third of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN,

Secretary of State.

EXECUTIVE ORDER.

In all applications by any invalid to obtain a pension in consequence of any disability incurred, no payment therefore shall commence until proof shall be filed in the Department and the decision of the Secretary had thereon; and no pension will be allowed to anyone while acting as an officer of the Army except in cases which have been heretofore adjudged.

Approved, 8th April, 1829.

ANDREW JACKSON.

FIRST ANNUAL MESSAGE.

Fellow-Citizens of the Senate and House of Representatives:

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of Government to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the Constitution, to present to you, as the Federal Legislature of twenty-four sovereign States and 12,000,000 happy people, a view of our affairs, and to propose such measures as in the discharge of my official functions have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time it is to me a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind, and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers of deep interest as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavors, and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with everything which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the Executive in this respect it is my settled purpose to ask nothing that is not clearly right and to submit to nothing that is wrong; and I flatter myself that, supported by the other branches of the Government and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other powers, the most prominent are those which have for years been the subject of negotiation with England, France, and Spain. The late periods at which our ministers to those Governments left the United States render it impossible at this early day to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Everything in the condition and history of the two nations is calculated to inspire sentiments of mutual respect and to carry conviction to the minds of both that it is their policy to preserve the most cordial relations. Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue toward this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized we may look with confidence to a speedy and acceptable adjustment of our affairs.

Under the convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign States seeking to adjust by the most unexceptionable means important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication on our part is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this Confederacy.

The exposition of our rights already made is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the Court of the Sovereign who has evinced his friendly disposition by assuming the delicate task of arbitration have been committed to a citizen of the State of Maine, whose character, talents, and intimate acquaintance with the subject eminently qualify him for so responsible a trust. With full confidence in the justice of our cause and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her Government. Should this result induce a disposition to embrace to their full extent the wholesome principles which constitute our commercial policy, our minister to that Court will be found instructed to cherish such a disposition and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and in many instances by the express direction, of the then existing Government of France, remain unsatisfied, and must therefore continue to furnish a subject of unpleasant discussion and possible collision between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims and the established policy of all enlightened governments as on the known integrity of the French Monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French Government with all the earnestness which is called for by their importance and irrefutable justice, and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial convention upon liberal and reciprocal terms or by urging the acceptance in their full extent of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce committed under her authority—an appeal which the pacific and liberal course observed on our part and a due confidence in the honor of that Government authorize us to expect will not be made in vain.

With other European powers our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population,

and great power high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we can not but anticipate that the result will prove favorable to the cause of civilization and to the progress of human happiness. The treaty of peace between these powers having been ratified, we can not be insensible to the great benefit to be derived by the commerce of the United States from unlocking the navigation of the Black Sea, a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed upon conditions by most of the powers of Europe, has hitherto been withheld from us. During the past summer an antecedent but unsuccessful attempt to obtain it was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to insure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing, and is now so extended as to deserve the fostering care of the Government. A negotiation, commenced and nearly completed with that power by the late Administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the Senate.

During the recess of Congress our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself until an opportunity was had to obtain from our official organ there information regarding the actual and, as far as practicable, prospective condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our Government in like cases was no longer withheld.

Considerable advances have been made during the present year in the adjustment of claims of our citizens upon Denmark for spoliations, but all that we have a right to demand from that Government in their behalf has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the Government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in, as well as a similar one for the protection of our commerce and fisheries in the Pacific.

The southern Republics of our own hemisphere have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty and promoting the happiness of the citizens, will crown with complete success their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and perhaps forever stifled, in that Republic by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other States, this devotion to liberty can not be without a proper effect upon the counsels of the mother country. The adoption by Spain of a pacific policy toward her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself can not fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American Governments generally are in a train of settlement, while the principal part of those upon Brazil have been adjusted, and a decree in council ordering bonds to be issued by the minister of the treasury for their amount has received the sanction of His Imperial Majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested, and if met by a proper disposition on the part of that Government important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister Republics, and more particularly in that of our immediate neighbor, it would be most gratifying to me were I permitted to say that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties, but particularly that of the Mexican Government to ratify a treaty negotiated and concluded in its own capital and

under its own eye. Under these circumstances it appeared expedient to give to Mr. Poinsett the option either to return or not, as in his judgment the interest of his country might require, and instructions to that end were prepared; but before they could be dispatched a communication was received from the Government of Mexico, through its chargé d'affaires here, requesting the recall of our minister. This was promptly complied with, and a representative of a rank corresponding with that of the Mexican diplomatic agent near this Government was appointed Our conduct toward that Republic has been uniformly of the most friendly character, and having thus removed the only alleged obstacle to harmonious intercourse, I can not but hope that an advantageous change will occur in our affairs.

In justice to Mr. Poinsett it is proper to say that my immediate compliance with the application for his recall and the appointment of a successor are not to be ascribed to any evidence that the imputation of an improper interference by him in the local politics of Mexico was well founded, nor to a want of confidence in his talents or integrity, and to add that the truth of that charge has never been affirmed by the federal Government of Mexico in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice-President. Our system of government was by its framers deemed an experiment, and they therefore consistently provided a mode of remedying its defects.

To the people belongs the right of electing their Chief Magistrate; it was never designed that their choice should in any case be defeated, either by the intervention of electoral colleges or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves that in proportion as agents to execute the will of the people are multiplied there is danger of their wishes being frustrated. Some may be unfaithful; all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

The number of aspirants to the Presidency and the diversity of the interests which may influence their claims leave little reason to expect a choice in the first instance, and in that event the election must devolve on the House of Representatives, where it is obvious the will of the people may not be always ascertained, or, if ascertained, may not be regarded. From the mode of voting by States the choice is to be made by 24 votes, and it may often occur that one of these will be controlled by an individual Representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption, supposing the probity of the Representative to be proof against the powerful motives by which it may be assailed, the will of the people is still constantly liable to be

misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates; finally, although all were inflexibly honest, all accurately informed of the wishes of their constituents, yet under the present mode of election a minority may often elect a President, and when this happens it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—*that the majority is to govern*—it must be very certain that a President elected by a minority can not enjoy the confidence necessary to the successful discharge of his duties.

In this as in all other matters of public concern policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system that the office of Chief Magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election, and a failure in the first attempt may be provided for by confining the second to a choice between the two highest candidates. In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they may have been officially concerned. The nature of the judicial office and the necessity of securing in the Cabinet and in diplomatic stations of the highest rank the best talents and political experience should, perhaps, except these from the exclusion.

There are, perhaps, few men who can for any great length of time enjoy office and power without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests and of tolerating conduct from which an unpracticed man would revolt. Office is considered as a

species of property, and government rather as a means of promoting individual interests than as an instrument created solely for the service of the people. Corruption in some and in others a perversion of correct feelings and principles divert government from its legitimate ends and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I can not but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit, therefore, to your consideration whether the efficiency of the Government would not be promoted and official industry and integrity better secured by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is matter of right. The incumbent became an officer with a view to public benefits, and when these require his removal they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property now so generally connected with official station, and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred during the recess of Congress in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former or as beneficial to the latter as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital and are prudently managed will survive the shock and be ultimately profitable there is no good reason to doubt.

To regulate its conduct so as to promote equally the prosperity of these three cardinal interests is one of the most difficult tasks of Government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations could not by common consent be abolished, and commerce allowed to flow in those channels to which individual enterprise, always its surest guide, might direct it. But we

must ever expect selfish legislation in other nations, and are therefore compelled to adapt our own to their regulations in the manner best calculated to avoid serious injury and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions I invite your attention to the existing tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation subjected to such influences can never be just, and will not long retain the sanction of a people whose active patriotism is not bounded by sectional limits nor insensible to that spirit of concession and forbearance which gave life to our political compact and still sustains it. Discarding all calculations of political ascendency, the North, the South, the East, and the West should unite in diminishing any burthen of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other and so superior in importance to them all that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions and to extend their application to the wants and comforts of society that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which can not come in competition with our own productions are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent. They enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties will be felt as a common benefit, but like all other legislation connected with commerce, to be efficacious and not injurious it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from

the sales of the public lands and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the Treasury on January 1, 1829, was $5,972,435.81. The receipts of the current year are estimated at $24,602,230 and the expenditures for the same time at $26,164,595, leaving a balance in the Treasury on the 1st of January next of $4,410,070.81.

There will have been paid on account of the public debt during the present year the sum of $12,405,005.80, reducing the whole debt of the Government on the 1st of January next to $48,565,406.50, including seven millions of 5 per cent stock subscribed to the Bank of the United States. The payment on account of public debt made on the 1st of July last was $8,715,462.87. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry and auspicious of the ability of Government in a very short time to extinguish the public debt. When this shall be done our population will be relieved from a considerable portion of its present burthens, and will find not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the States will also be increased, and may be more extensively exerted in favor of education and other public objects, while ample means will remain in the Federal Government to promote the general weal in all the modes permitted to its authority.

After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be

benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow-citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country more than any other has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general, powers must be admitted by all, and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised, and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country and to the glorious cause of self-government for the preservation of so great a good. The great mass of legislation relating to our internal affairs was intended to be left where the Federal Convention found it—in the State governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I can not, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence the federal system can never fall.

In the collection of the revenue the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by Government sufficient to receive the goods offered in deposit for security and for debenture, and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured, this evil would in

a great measure be obviated. An authority to construct such houses is therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice that the laws for the collection and security of the revenue arising from imposts were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are in some respects quite insufficient for the proper security of the revenue and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and can not be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty and embarrassment of fair and lawful business.

On an examination of the records of the Treasury I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the Government a considerable portion is undoubtedly desperate, and in many instances has probably been rendered so by remissness in the agents charged with its collection. By proper exertions a great part, however, may yet be recovered; and whatever may be the portions respectively belonging to these two classes, it behooves the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public, and that this inadequacy lies chiefly in the want of legal skill habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings on the part of the United States, be transferred to the Attorney-General, and that this officer be placed on the same footing in all respects as the heads of the other Departments, receiving like compensation and having such subordinate officers provided for his Department as may be requisite for the discharge of these additional duties.

The professional skill of the Attorney-General, employed in directing the conduct of marshals and district attorneys, would hasten the collection of debts now in suit and hereafter save much to the Government. It might be further extended to the superintendence of all criminal proceedings for offenses against the United States. In making this transfer great care should be taken, however, that the power necessary to the Treasury Department be not impaired, one of its greatest securities consisting in a control over all accounts until they are audited or reported for suit.

In connection with the foregoing views I would suggest also an inquiry whether the provisions of the act of Congress authorizing the discharge of the persons of debtors to the Government from imprisonment may not, consistently with the public interest, be extended to the release of the debt where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails in reference to this unfortunate class of citizens is certainly due to them, and would prove beneficial to the country. The continuance of the liability after the means to discharge it have been exhausted can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the Government to compromise and release the demand instigates to fraud as the only resource for securing a support to his family. He thus sinks into a state of apathy, and becomes a useless drone in society or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves that oppressive debt is the bane of enterprise, and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

Since the last session of Congress numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States court for this district by a criminal prosecution. It was my opinion and that of able counsel who were consulted that the cases came within the penalties of the act of the Seventeenth Congress approved 3d March, 1823, providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law or in its administration every effort to bring the accused to trial under its provisions proved ineffectual, and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there be no provision by which those who may be unworthily intrusted with its guardianship can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission; or if the law has been perverted from its original purposes, and criminals deserving to be punished under its provisions have been rescued by legal subtleties, it ought to be made so plain by

amendatory provisions as to baffle the arts of perversion and accomplish the ends of its original enactment.

In one of the most flagrant cases the court decided that the prosecution was barred by the statute which limits prosecutions for fraud to two years. In this case all the evidences of the fraud, and, indeed, all knowledge that a fraud had been committed, were in possession of the party accused until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession, and least of all in favor of a public officer who continues to defraud the Treasury and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the Government two years after the disclosure of the fraud or after the accused is out of office to commence their prosecution.

In connection with this subject I invite the attention of Congress to a general and minute inquiry into the condition of the Government, with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents and promote efficiency and justice in all its operations.

The report of the Secretary of War will make you acquainted with the condition of our Army, fortifications, arsenals, and Indian affairs. The proper discipline of the Army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defense applicable to the naval force will tend to prolong the peace we now enjoy, and which every good citizen, more especially those who have felt the miseries of even a successful warfare, must ardently desire to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character. Both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need, however, of further legislation to obviate the inconveniences specified in the report under consideration, to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, can not now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list as existing prior to the act of 1821 or from it as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally should be more specific than they now are. Those, for example, in relation to the Paymaster and Surgeon General assign to

them an annual salary of $2,500, but are silent as to allowances which in certain exigencies of the service may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances at different times under former Administrations, but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defense, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our Army; and such of the graduates as from various causes may not pursue the profession of arms will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service, and in a measure secure to that class of troops the advantages which in this respect belong to standing armies.

I would also suggest a review of the pension law, for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. These relics of the War of Independence have strong claims upon their country's gratitude and bounty. The law is defective in not embracing within its provisions all those who were during the last war disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late Administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred to the number of 154, of which, on the 27th March, the date of its revocation, 87 were admitted. For the amount there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the Department, exceed the estimate of its late Secretary by about $50,000, for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that without legislative aid the Executive can not obviate the embarrassments occasioned by the diminution of the dividends on that fund, which originally amounted to $100,000, and has recently been invested in United States 3 per cent stock.

The condition and ulterior destiny of the Indian tribes within the

limits of some of our States have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. Professing a desire to civilize and settle them, we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

Under these circumstances the question presented was whether the General Government had a right to sustain those people in their pretensions. The Constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State" without the consent of its legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the Confederacy which eventuated in our Federal Union as a sovereign State, always asserting her claim to certain limits, which, having been originally defined in her colonial charter and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their State? And unless they did would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed would it be the duty of this Government to protect them in the attempt? If

the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed, and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States.

Our conduct toward these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force they have been made to retire from river to river and from mountain to mountain, until some of the tribes have become extinct and others have left but remnants to preserve for awhile their once terrible names. Surrounded by the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the States does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could control. That step can not be retraced. A State can not be dismembered by Congress or restricted in the exercise of her constitutional power. But the people of those States and of every State, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question whether something can not be done, consistently with the rights of the States, to preserve this much-injured race.

As a means of effecting this end I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.

This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek

a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws. In return for their obedience as individuals they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose that in this state of things claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will ere long become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and useful employment of that branch of our service during the present year. Constituting as it does the best standing security of this country against foreign aggression, it claims the especial attention of Government. In this spirit the measures which since the termination of the last war have been in operation for its gradual enlargement were adopted, and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that notwithstanding the great solicitude which has been manifested for the perfect organization of this arm and the liberality of the appropriations which that solicitude has suggested, this object has in many important respects not been secured.

In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where without proper covering they rapidly decay, and even under the best precautions for their preservation must soon become useless. Such is already the case with many of our finest vessels, which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposits in navy-yards of timber and other materials, fashioned under the hands of skillful workmen and fitted for prompt application to their various purposes, would enable us at all times to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the Navy Board that in recommending it to your attention I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this District, being already furnished with most of the machinery necessary for

shipbuilding, will be competent to the supply of the two selected by the Board as the best for the concentration of materials, and, from the facility and certainty of communication between them, it will be useless to incur at those depots the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

Another improvement would be effected by dispensing altogether with the Navy Board as now constituted, and substituting in its stead bureaus similar to those already existing in the War Department. Each member of the Board, transferred to the head of a separate bureau charged with specific duties, would feel in its highest degree that wholesome responsibility which can not be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the Navy, to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement every branch of this important service would assume a more simple and precise character, its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the Marine Corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant-colonel commandant, five brevet lieutenant-colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the artillery or infantry, there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that under an energetic administration of its affairs the Navy may soon be made everything that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the Secretary, to which I refer you for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the Army and Navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country, and where it does exist it is submitted to Congress whether it ought not to be rectified.

The report of the Postmaster-General is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed, increased expedition in the transportation of the mail secured, and its revenue much improved. In a political point of view this Department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly to the remotest parts of

the system correct information of the operations of the Government, and bringing back to it the wishes and feelings of the people. Through its agency we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs a subject of high importance presents itself in the present organization of the judiciary. An uniform operation of the Federal Government in the different States is certainly desirable, and existing as they do in the Union on the basis of perfect equality, each State has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union; to three others the circuit courts, which constitute an important part of that system, have been imperfectly extended, and to the remaining six altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the Supreme Court) to their fellow-citizens in other States in the whole extent of the criminal and much of the civil authority of the Federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted. Neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the Union, and at the same time to avoid such a multiplication of members as would encumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the Supreme Court should be held by these classes alternately, the Chief Justice always presiding.

If an extension of the circuit-court system to those States which do not now enjoy its benefits should be determined upon, it would of course be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the census of the people of the United States will, to insure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the Department of State forced itself at an early period upon the attention of the Executive. Thirteen years ago it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department—a measure which does not appear to have met the views of Congress on account of its supposed tendency to increase, gradually and imperceptibly, the already too strong bias of the federal system

toward the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation, but am not the less impressed with the importance of so organizing that Department that its Secretary may devote more of his time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised which would avoid all constitutional difficulties and at the same time secure all the advantages to the Government and country that were expected to result from the present bank.

I can not close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the recapture of the frigate *Philadelphia* under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of Executive interference under a Government like ours, where every individual enjoys the right of directly petitioning Congress, yet, viewing this case as one of very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognized and satisfied, it is the fruit of a deed of patriotic and chivalrous daring which infused life and confidence into our infant Navy and contributed as much as any exploit in its history to elevate our national character. Public gratitude, therefore, stamps her seal upon it, and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on His merciful providence for the maintenance of our free institutions, and with an earnest supplication that whatever errors it may be my lot to commit in discharging the arduous duties which have devolved on me will find a remedy in the harmony and wisdom of your counsels.

ANDREW JACKSON.

DECEMBER 8, 1829.

SPECIAL MESSAGES.

DECEMBER 14, 1829.

THE VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

In pursuance of the resolution of the Senate of the 2d March, 1829, requesting the President of the United States to communicate to it "copies of the journal of the commissioners under the first article of the treaty of Ghent for the months of October and November, 1817, or so much thereof as in his opinion may be safely communicated, not including the agreement or evidence offered by the agents," I have the honor herewith to transmit a report from the Secretary of State, accompanying the document referred to in said resolution.

ANDREW JACKSON.

WASHINGTON, *December 14, 1829.*

THE VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

I transmit to the Senate, for their advice and consent as to the ratification of it, a treaty of commerce and navigation between the United States of America and His Majesty the Emperor of Austria, concluded and signed in this city on the 2d of August in the present year.

ANDREW JACKSON.

DECEMBER 15, 1829.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

A deputation from the Passamaquoddy Indians resident within the limits of Maine have arrived in this city and presented a memorial soliciting the aid of the Government in providing them the means of support. Recollecting that this tribe when strong and numerous fought with us for the liberty which we now enjoy, I could not refuse to present to the consideration of Congress their supplication for a small portion of the bark and timber of the country which once belonged to them.

It is represented that from individuals who own the lands adjoining the present small possession of this tribe purchases can be made sufficiently extensive to secure the objects of the memorial in this respect, as will appear from the papers herewith transmitted. Should Congress deem it proper to make them, it will be necessary to provide for their being held in trust for the use of the tribe during its existence as such.

ANDREW JACKSON.

DECEMBER 16, 1829.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith to the House of Representatives a report of the Secretary of War, accompanying copies of surveys* made in pursuance of the acts of Congress passed the 30th of April, 1824, and the 2d of March, 1829, and to request that the House cause them to be laid before the Senate, as there are no duplicates prepared.

ANDREW JACKSON.

DECEMBER 22, 1829.

To the Senate of the United States:

I herewith transmit two treaties--one concluded with the Winnebago tribe of Indians at Prairie du Chien on the 1st of August, 1829, and the other with the Chippewa, Ottawa, and Pottawattamie tribes at the same place on the 29th of July, 1829—which, with the documents explanatory thereof, are submitted to the Senate for consideration whether they will advise and consent to their ratification.

ANDREW JACKSON.

DECEMBER 29, 1829.

To the Senate of the United States:

I transmit herewith a treaty concluded with the Delaware tribe of Indians on the 3d of August, 1829, which, with the documents explanatory thereof, is submitted to the consideration of the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

DECEMBER 30, 1829.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith to the House the report and estimate of the survey made in pursuance of the act of the 30th April, 1824, in order to ascertain the practicability of connecting the waters of the Altamaha and Tennessee rivers by a canal and railroad, and request, as there is no duplicate of the same prepared, that the House will cause it to be laid before the Senate.

ANDREW JACKSON.

JANUARY 4, 1830.

To the Senate of the United States:

I have been requested by the legislature of South Carolina, as will appear from the documents accompanying this communication, to sub-

*Of Deep Creek, Virginia; Pasquotank River, North Carolina; entrance of the river Teche, Louisiana; passes at mouth of the Mississippi, Louisiana; water tract between Lake Pontchartrain and Mobile Bay; Des Moines and Rock River rapids in the Mississippi; with a view to the location of a railroad from Charleston to Hamburg, S. C.

mit to the consideration of Congress certain claims against the United States for advances made by that State during the last war. It is conceded that the redress sought for can only be obtained through the interposition of Congress. The only agency allowed to me is to present such facts in relation to the subject as are in the possession of the Executive, in order that the whole may be fairly considered.

This duty I perform with great pleasure, being well satisfied that no inducement will be wanting to secure to the claims of a member of the Confederacy that has under all circumstances shewn an ardent devotion to the cause of the country the most ample justice.

By a reference to the Department of War for information as to the nature and extent of these claims it appears that they consist of–

First. Interest upon moneys advanced for the United States which have been heretofore reimbursed.

Second. Certain advances which on a settlement of accounts between South Carolina and the United States were disallowed or suspended by the accounting officers of the Treasury.

In regard to the former, the rule hitherto adopted by Congress has been to allow to the States interest only where they had paid it on money borrowed, and had applied it to the use of the United States. The case of South Carolina does not come strictly within this rule, because instead of borrowing, as she alleges, for the use of the United States, upon interest, she applied to the use of the United States funds for which she was actually receiving an interest; and she is understood to insist that the loss of interest in both cases being equal, and the relief afforded equally meritorious, the same principle of remuneration should be applied.

Acting upon an enlightened sense of national justice and gratitude, it is confidently believed that Congress will be as mindful of this claim as it has been of others put forward by the States that in periods of extreme peril generously contributed to the service of the Union and enabled the General Government to discharge its obligations. The grounds upon which certain portions of it have been suspended or rejected will appear from the communications of the Secretary of War and Third Auditor herewith submitted.

ANDREW JACKSON.

JANUARY 4, 1830.

To the Senate of the United States:

I transmit herewith a supplement to the treaty made with the Delaware tribe on the 3d of October, 1818, which, with the accompanying papers, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

JANUARY 5, 1830.

To the House of Representatives:

The subject of the inclosed memorial* having been adjudicated by the courts of the country, and decided against the memorialists, it is respectfully laid before Congress, the only power now to which they can appeal for relief.

ANDREW JACKSON.

JANUARY 5, 1830.

To the Senate of the United States:

I submit herewith a report† from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 24th December, 1828.

ANDREW JACKSON.

WASHINGTON, *January 14, 1830.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of three Indian treaties, which have been duly ratified:

1. A treaty with the nation of Winnebago Indians, concluded on the 1st of August, 1829, at Prairie du Chien, in the Territory of Michigan, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors on the part of the nation of Winnebago Indians.

2. A treaty with the united nations of Chippewa, Ottowa, and Pottawatomie Indians, concluded on the 29th of July, 1829, at Prairie du Chien, between General John McNeil, Colonel Pierre Menard, and Caleb Atwater, esq., commissioners on the part of the United States, and certain chiefs and warriors of the said united nations on the part of said nations.

3. Articles of agreement between the United States of America and the band of Delaware Indians upon the Sandusky River, in the State of Ohio, entered into on the 3d of August, 1829, at Little Sandusky, in the State of Ohio, by John McElvain, commissioner on the part of the United States, and certain chiefs on the part of said band of Delaware Indians.

I transmit also the estimates of appropriation necessary to carry them into effect.

ANDREW JACKSON.

JANUARY 19, 1830.

To the Senate and House of Representatives.

GENTLEMEN: The accompanying gold medal, commemorative of the delivery of the Liberator President of the Republic of Colombia from the daggers of assassins on the night of the 25th of September last, has

* Of certain purchasers of land in Louisiana from the Government of Spain.

† Transmitting statements of moneys appropriated and lands granted to the several States for purposes of education and construction of roads and canals, etc., since the adoption of the Constitution.

been offered for my acceptance by that Government. The respect which I entertain as well for the character of the Liberator President as for the people and Government over which he presides renders this mark of their regard most gratifying to my feelings; but I am prevented from complying with their wishes by the provision of our Constitution forbidding the acceptance of presents from a foreign state by officers of the United States, and it is therefore placed at the disposal of Congress.

The powerful influence in the affairs of his country which the sacrifices and heroic deeds of General Bolivar have acquired for him creates an anxiety as to his future course in which the friends of liberal institutions throughout the world deeply participate. The favorable estimate which I have formed of the nature of the services rendered by him, and of his personal character, impresses me with the strongest confidence that his conduct in the present condition of his country will be such as may best promote her true interest and best secure his own permanent fame.

I deem the present a suitable occasion to inform you that shortly after my communication to Congress at the opening of the session dispatches were received from Mr. Moore, the envoy extraordinary and minister plenipotentiary of the United States to Colombia, stating that he had succeeded in obtaining the assent of the council of ministers to the allowance of the claims of our citizens upon that Government in the cases of the brig *Josephine* and her cargo and the schooner *Ranger* and part of her cargo. An official copy of the convention subsequently entered into between Mr. Moore and the secretary of foreign affairs, providing for the final settlement of those claims, has just been received at the Department of State. By an additional article of this convention the claim in the case of the brig *Morris* is suspended until further information is obtained by the Colombian Government from the Court at Carracas; and Mr. Moore anticipates its early and satisfactory adjustment. The convention only waited the ratification of the Liberator President, who was at the time absent from Bogota, to be binding upon the Colombian Government. Although these claims are not, comparatively, of a large amount, yet the prompt and equitable manner in which the application of Mr. Moore in behalf of our injured citizens was met by that Government entitles its conduct to our approbation, and promises well for the future relations of the two countries.

It gives me pleasure to add an expression of my entire satisfaction with the conduct of Mr. Moore since his arrival at Bogota. The judgment and discretion evinced by him on occasions of much interest and delicacy, the assiduity displayed in bringing so nearly to a conclusion within five weeks after his arrival claims which had been pending for years, and the promptitude and capacity with which he has entered upon other and more important portions of his official duty are calculated to inspire strong confidence in his future usefulness.

ANDREW JACKSON.

JANUARY 20, 1830.

To the Senate and House of Representatives.

GENTLEMEN: I respectfully submit to your consideration the accompanying communication from the Secretary of the Treasury, showing that according to the terms of an agreement between the United States and the United Society of Christian Indians the latter have a claim to an annuity of $400, commencing from the 1st of October, 1826, for which an appropriation by law for this amount, as long as they are entitled to receive it, will be proper.

ANDREW JACKSON.

WASHINGTON, *January 26, 1830.*

To the Senate and House of Representatives of the United States:

I submit to Congress a communication from the Secretary of State, together with the report of the Superintendent of the Patent Office, to which it refers, showing the present condition of that office and suggesting the necessity of further legislative provisions in regard to it, and I recommend the subjects it embraces to the particular attention of Congress.

It will be seen that there is an unexplained deficiency in the accounts which have been rendered at the Treasury of the fees received at the office, amounting to $4,290, and that precautions have been provided to guard against similar delinquencies in future. Congress will decide on their sufficiency and whether any legislative aid is necessary upon this branch of the subject referred to in the report.

ANDREW JACKSON.

JANUARY 26, 1830.

To the Senate and House of Representatives:

I find it necessary to recommend to Congress a revision of the laws relating to the direct and contingent expenses of our intercourse with foreign nations, and particularly of the act of May 1, 1810, entitled "An act fixing the compensation of public ministers and of consuls residing on the coast of Barbary, and for other purposes."

A letter from the Fifth Auditor of the Treasury to the Secretary of State, herewith transmitted, which notices the difficulties incident to the settlement of the accounts of certain diplomatic agents of the United States, serves to show the necessity of this revision. This branch of the Government is incessantly called upon to sanction allowances which not unfrequently appear to have just and equitable foundations in usage, but which are believed to be incompatible with the provisions of the act of 1810. The letter from the Fifth Auditor contains a description of several claims of this character, which are submitted to Congress as the

only tribunal competent to afford the relief to which the parties consider themselves entitled.

Among the most prominent questions of this description are the following:

I. Claims for outfits by ministers and chargés d'affaires duly appointed by the President and Senate.

The act of 1790, regulating the expenditures for foreign intercourse, provided "that, exclusive of an outfit, which shall in no case exceed one year's full salary to the minister plenipotentiary or chargé d'affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater sum than at the rate of $9,000 per annum as a compensation for all his personal services and other expenses, nor a greater sum for the same than $4,500 per annum to a chargé d'affaires." By this provision the maximum of allowance only was fixed, leaving the question as to any outfit, either in whole or in part, to the discretion of the President, to be decided according to circumstances. Under it a variety of cases occurred, in which outfits having been given to diplomatic agents on their first appointment, afterwards, upon their being transferred to other courts or sent upon special and distinct missions, full or half outfits were again allowed.

This act, it will be perceived, although it fixes the maximum of outfit, is altogether silent as to the circumstances under which outfits might be allowed; indeed, the authority to allow them at all is not expressly conveyed, but only incidentally adverted to in limiting the amount. This limitation continued to be the only restriction upon the Executive until 1810, the act of 1790 having been kept in force till that period by five successive reenactments, in which it is either referred to by means of its title or its terms are repeated verbatim. In 1810 an act passed wherein the phraseology which had been in use for twenty years is departed from. Fixing the same limits precisely to the *amount* of salaries and outfits to ministers and chargés as had been six times fixed since 1790, it differs from preceding acts by formally conveying an authority to allow an outfit to "a minister plenipotentiary or chargé d'affaires *on going from the United States to any foreign country;*" and, in addition to this specification of the circumstances under which the outfit may be allowed, it contains one of the conditions which shall be requisite to entitle a chargé or secretary to the compensation therein provided.

Upon a view of all the circumstances connected with the subject I can not permit myself to doubt that it was with reference to the practice of multiplying outfits to the same person and in the intention of prohibiting it in future that this act was passed.

It being, however, frequently deemed advantageous to transfer ministers already abroad from one court to another, or to employ those who were resident at a particular court upon special occasions elsewhere, it seems to have been considered that it was not the intention of Congress

to restrain the Executive from so doing. It was further contended that the President being left free to select for ministers citizens, whether at home or abroad, a right on the part of such ministers to the usual emoluments followed as a matter of course. This view was sustained by the opinion of the law officer of the Government, and the act of 1810 was construed to leave the whole subject of salary and outfit where it found it under the law of 1790; that is to say, completely at the discretion of the President, without any other restriction than the maximum already fixed by that law. This discretion has from time to time been exercised by successive Presidents; but whilst I can not but consider the restriction in this respect imposed by the act of 1810 as inexpedient, I can not feel myself justified in adopting a construction which defeats the only operation of which this part of it seems susceptible; at least, not unless Congress, after having the subject distinctly brought to their consideration, should virtually give their assent to that construction. Whatever may be thought of the propriety of giving an outfit to secretaries of legation or others who may be considered as only temporarily charged with the affairs intrusted to them, I am impressed with the justice of such an allowance in the case of a citizen who happens to be abroad when first appointed, and that of a minister already in place, when the public interest requires his transfer, and, from the breaking up of his establishment and other circumstances connected with the change, he incurs expenses to which he would not otherwise have been subjected.

II. Claims for outfits and salaries by chargés d'affaires and secretaries of legation who have not been appointed by the President by and with the advice and consent of the Senate.

By the second section of the act of 1810 it is provided–

> That to entitle any chargé d'affaires or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation hereinbefore provided they shall respectively be appointed by the President of the United States, by and with the advice and consent of the Senate; but in the recess of the Senate the President is hereby authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter for their advice and consent; and no compensation shall be allowed to any chargé d'affaires or any of the secretaries hereinbefore described who shall not be appointed as aforesaid.

Notwithstanding the explicit language of this act, claims for outfits and salaries have been made—and allowed at the Treasury—by chargés d'affaires and secretaries of legation who had not been appointed in the manner specified. Among the accompanying documents will be found several claims of this description, of which a detailed statement is given in the letter of the Fifth Auditor. The case of Mr. William B. Lawrence, late chargé d'affaires at London, is of a still more peculiar character, in consequence of his having actually drawn his outfit and salary from the bankers employed by the Government, and from the length of time he officiated in that capacity. Mr. Lawrence's accounts were

rendered to the late Administration, but not settled. I have refused to sanction the allowance claimed, because the law does not authorize it, but have refrained from directing any proceedings to compel a reimbursement of the money thus, in my judgment, illegally received until an opportunity should be afforded to Congress to pass upon the equity of the claim.

Appropriations are annually and necessarily made "for the contingent expenses of all the missions abroad" and "for the contingent expenses of foreign intercourse," and the expenditure of these funds intrusted to the discretion of the President. It is out of those appropriations that allowances of this character have been claimed, and, it is presumed, made. Deeming, however, that the discretion thus committed to the Executive does not extend to the allowance of charges prohibited by express law, I have felt it my duty to refer all existing claims to the action of Congress, and to submit to their consideration whether any alteration of the law in this respect is necessary.

III. The allowance of a quarter's salary to ministers and chargés d'affaires to defray their expenses home.

This allowance has been uniformly made, but is without authority by law. Resting in Executive discretion, it has, according to circumstances, been extended to cases where the ministers died abroad, to defray the return of his family, and was recently claimed in a case where the minister had no family, on grounds of general equity. A charge of this description can hardly be regarded as a contingent one, and if allowed at all must be in lieu of salary. As such it is altogether arbitrary, although it is not believed that the interests of the Treasury are, upon the whole, much affected by the substitution. In some cases the allowance is for a longer period than is occupied in the return of the minister; in others, for one somewhat less; and it seems to do away all inducement to unnecessary delay. The subject is, however, susceptible of positive regulation by law, and it is, on many accounts, highly expedient that it should be placed on that footing. I have therefore, without directing any alteration in the existing practice, felt it my duty to bring it to your notice.

IV. Traveling and other expenses in following the court in cases where its residence is not stationary.

The only legations by which expenses of this description are incurred and charged are those to Spain and the Netherlands, and to them they have on several occasions been allowed. Among the documents herewith communicated will be found, with other charges requiring legislative interference, an account for traveling expenses, with a statement of the grounds upon which their reimbursement is claimed. This account has been suspended by the officer of the Treasury to whom its settlement belongs; and as the question will be one of frequent recurrence, I have deemed the occasion a fit one to submit the whole subject to the revision of Congress. The justice of these charges for extraordinary expenses

unavoidably incurred has been admitted by former Administrations and the claims allowed. My difficulty grows out of the language of the act of 1810, which expressly declares that the salary and outfit it authorizes to the minister and chargé d'affaires shall be "a compensation for all his personal services and expenses." The items which ordinarily form the contingent expenses of a foreign mission are of a character distinct from the *personal* expenses of the minister. The difficulty of regarding those now referred to in that light is obvious. There are certainly strong considerations of equity in favor of a remuneration for them at the two Courts where they are alone incurred, and if such should be the opinion of Congress it is desirable that authority to make it should be expressly conferred by law rather than continue to rest upon doubtful construction.

V. Charges of consuls for discharging diplomatic functions, without appointment, during a temporary vacancy in the office of chargé d'affaires.

It has sometimes happened that consuls of the United States, upon the occurrence of vacancies at their places of residence in the diplomatic offices of the United States by the death or retirement of our minister or chargé d'affaires, have taken under their care the papers of such missions and usefully discharged diplomatic functions in behalf of their Government and fellow-citizens till the vacancies were regularly filled. In some instances this is stated to have been done to the abandonment of other pursuits and at a considerably increased expense of living. There are existing claims of this description, which can not be finally adjusted or allowed without the sanction of Congress. A particular statement of them accompanies this communication.

The nature of this branch of the public service makes it necessary to commit portions of the expenses incurred in it to Executive discretion; but it is desirable that such portions should be as small as possible. The purity and permanent success of our political institutions depend in a great measure upon definite appropriations and a rigid adherence to the enactments of the Legislature disposing of public money. My desire is to have the subject placed upon a more simple and precise, but not less liberal, footing than it stands on at present, so far as that may be found practicable. An opinion that the salaries allowed by law to our agents abroad are in many cases inadequate is very general, and it is reasonable to suppose that this impression has not been without its influence in the construction of the laws by which those salaries are fixed. There are certainly motives which it is difficult to resist to an increased expense on the part of some of our functionaries abroad greatly beyond that which would be required at home.

Should Congress be of opinion that any alteration for the better can be made, either in the rate of salaries now allowed or in the rank and gradation of our diplomatic agents, or both, the present would be a fit occasion for a revision of the whole subject.

ANDREW JACKSON.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I transmit herewith the annual report of the inspectors of the penitentiary in the District of Columbia, and beg leave to recommend the propriety of providing by law a reasonable compensation for the service of those officers. The act of Congress under which they were commissioned, though it imposes upon them important duties, in the performance of which much time and labor are necessary, is silent as to the compensation which they ought to receive.

ANDREW JACKSON.

FEBRUARY 1, 1830.

FEBRUARY 5, 1830.

To the Senate of the United States:

I herewith communicate to the Senate a letter from the Secretary of War, with the papers which accompany it, in answer to the resolution of the Senate of the 2d February, requesting "so much of a report received from the officer of the United States Army who had command of the detachment for the protection of the caravan of traders to Santa Fe of New Mexico during the last summer as may be proper to be made public and material to be known, devising further means for the security of the inland trade between Missouri and Mexico."

ANDREW JACKSON.

FEBRUARY 12, 1830.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I forward to the House of Representatives, for the information and decision of Congress, a communication to me from the Secretary of War on the subject of the continuation of the Cumberland road.

There being but one plan of the surveys made produces the necessity of making this communication to but one branch of the Legislature. When the question shall be disposed of, I request that the map may be returned to the Secretary of War.

ANDREW JACKSON.

FEBRUARY 18, 1830.

To the House of Representatives:

In pursuance of a resolution of the House of Representatives of the 9th instant, requesting information respecting the accounts of William B. Lawrence as chargé d'affaires of the United States to Great Britain, I have the honor to communicate a report of the Secretary of State, furnishing the desired information.

ANDREW JACKSON.

FEBRUARY 20, 1830.

To the Senate of the United States.

GENTLEMEN: Having seen a report from the Treasury Department, just made to me, that General John Campbell, lately nominated Indian agent, stands recorded as a public defaulter on the books of the Treasury, and being unapprised of this fact when he was nominated to the Senate, I beg leave to withdraw this nomination.

ANDREW JACKSON.

MARCH 1, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with your resolution of the 4th ultimo, relating to the boundary line between the United States and the Cherokee Nation of Indians, I have duly examined the same, and find that the Executive has no power to alter or correct it.

I therefore return the papers, with a report from the Secretary of War on the subject, for the further deliberation of Congress.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to the consideration of Congress a letter of the governor of Virginia, transmitting two acts of the general assembly of that State, respecting the Chesapeake and Ohio Canal Company.

ANDREW JACKSON.

WASHINGTON, *March 9, 1830.*

Gentlemen of the House of Representatives:

I submit to your consideration the memorials of Francis H. Nicoll and John Conard, the latter marshal of the eastern district of Pennsylvania, praying for the interposition and aid of Congress in the discharge of a judgment recovered against him by the said Nicoll, alleging, as defendant in the suit, that he was the mere organ of the United States, and acted by and under the instructions of the Government.

ANDREW JACKSON.

MARCH 10, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 6th instant, requesting me to "send a copy of the bond entered into and executed by Israel T. Canfield as receiver of public moneys in the now Crawfordsville district, Indiana, together with the names of his

securities, to the Senate," I herewith transmit a certified copy of the official bond of Israel T. Canby, and a letter from the Secretary of the Treasury, from which it appears that this is the officer referred to in the resolution.

ANDREW JACKSON.

WASHINGTON, *March 15, 1830.*

To the House of Representatives of the United States:

In pursuance of a resolution of the House of Representatives of the 27th ultimo, calling for information respecting the report of the commissioner for running and marking the line between the United States and Florida under the treaty of 1795, I herewith communicate a report from the Secretary of State, containing the desired information.

ANDREW JACKSON.

MARCH 18, 1830.

To the House of Representatives:

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey* authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

MARCH 27, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I transmit, for the consideration of Congress, a letter of the Secretary of the Navy, accompanying the reports of Lieutenants Tattnall and Gedney, who were detailed to make a survey of the Dry Tortugas, and beg leave to call your attention to the importance of the position to the United States as a naval station. I also respectfully recommend that the appropriation necessary to make a scientific examination of its capacities for defense may be granted.

ANDREW JACKSON.

MARCH 31, 1830.

To the House of Representatives.

GENTLEMEN: I respectfully submit to your consideration the accompanying report from the War Department, exhibiting the state of the fortifications at Pea Patch Island and the necessity of further appropriations for the security of that site. The report specifies the improvements deemed proper, and the estimate of their cost.

ANDREW JACKSON.

*Of ship channel of Penobscot River from Whitehead to Bangor, Me.

APRIL 2, 1830.

To the House of Representatives.

GENTLEMEN: In compliance with a resolution of the House of the 22d ultimo, "requesting the President of the United States to communicate to it any correspondence or information in possession of the Government, and which, in his judgment, the public service will admit of being communicated, touching intrusions, or alleged intrusions, on lands the possession of which is claimed by the Cherokee tribe of Indians, the number of intrusions, if any, and the reasons why they have not been removed; and also any correspondence or information touching outrages alleged to have been committed by Cherokee Indians on citizens of Georgia occupying lands to which the Indian claim has not been extinguished, or by citizens of Georgia on Cherokee Indians," I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

APRIL 6, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 5th instant, requesting the President of the United States to transmit to the Senate any record or other information in the Department of War or before the President respecting the conviction of Wharton Rector of any crime in Missouri before his departure for Arkansas, or touching his fitness for the office to which he has been nominated, and any other evidence in the Department relative to the fitness of Wharton Rector for the office of Indian agent, I inclose herewith a report from the Secretary of War.

ANDREW JACKSON.

APRIL 13, 1830.

To the House of Representatives.

GENTLEMEN: I transmit herewith a report from the War Department, in compliance with the resolution of the House of the 18th ultimo, calling for information in relation to the expenses incident to the removal and support of the Indians west of the Mississippi, etc.

ANDREW JACKSON.

APRIL 15, 1830.

To the Senate of the United States.

GENTLEMEN: I submit to the Senate, in compliance with the request in their resolution of the 12th instant, all the communications found in the Department of State touching the character, conduct, and qualifications of John Hamm, which appear or are supposed to have been made while the said Hamm was an applicant for reappointment to the office of marshal of the district of Ohio, in the year 1822.

As that individual has been recently nominated to the Senate to be chargé d'affaires of the United States to the Government of Central America, I take advantage of the occasion to request the Senate to postpone a final decision on his nomination, upon the following grounds: That information, though not official, has just been received at the Department of State of a change having been lately effected in the Government of Central America, which, if confirmed, may make a correspondent change in the appointment necessary, or perhaps render it altogether unnecessary that this Government, under present circumstances, should send a diplomatic agent to that country at all.

ANDREW JACKSON.

APRIL 22, 1830.

To the House of Representatives.

GENTLEMEN: I transmit, for the consideration of Congress, a report from the War Department of a survey* authorized by the act of 2d March, 1829.

ANDREW JACKSON.

APRIL 23, 1830.

To the Senate of the United States.

GENTLEMEN: In compliance with the resolution of the Senate of the 20th instant, I transmit herewith a report† from the Secretary of War.

ANDREW JACKSON.

APRIL 23, 1830.

Gentlemen of the Senate and House of Representatives.

GENTLEMEN: I transmit herewith a report from the Department of War of the survey made of Sandy Bay, Massachusetts, in conformity to the act of 2d March, 1829.

ANDREW JACKSON.

MAY 1, 1830.

To the Senate of the United States.

GENTLEMEN: Finding from the inclosed letter from the Secretary of the Treasury that James C. Dickson, lately nominated to be receiver of public moneys at Mount Salus, Miss., is a defaulter, I beg leave to withdraw his nomination, and to nominate in his place Hiram G. Rennels.

ANDREW JACKSON.

*Of the harbor of St. Augustine, Fla.

†Transmitting correspondence of June, 1825, relative to treaties with the Osage and Kansas Indians.

MAY 6, 1830.

To the Senate of the United States.

GENTLEMEN: The accompanying propositions, in the form of a treaty, have been recently sent to me by special messenger from the Choctaw Nation of Indians, and since it was received a protest against it has been forwarded. Both evince a desire to cede to the United States all their country east of the Mississippi, and both are here submitted. These measures are the voluntary acts of the Indians themselves. The Government was not represented in the councils which adopted them, nor had it any previous intimation that such steps were in contemplation. The Indians convened of their own accord, settled and executed the propositions contained in the treaty presented to me, and agreed to be bound by them if within three months they should receive the approbation of the President and Senate. The other measure is equally their own.

It is certainly desirous, on various and very pressing accounts, as will appear from the accompanying documents, that some agreement should be concluded with the Indians by which an object so important as their removal beyond the territorial limits of the States may be effected. In settling the terms of such an agreement I am disposed to exercise the utmost liberality, and to concur in any which are consistent with the Constitution and not incompatible with the interests of the United States and their duties to the Indians. I can not, however, regard the terms proposed by the Choctaws to be in all respects of this character; but desirous of concluding an arrangement upon such as are, I have drawn up the accompanying amendments, which I propose to offer to the Choctaws if they meet the approbation of the Senate. The conditions which they offer are such as, in my judgment, will be most likely to be acceptable to both parties and are liable to the fewest objections. Not being tenacious, though, on the subject, I will most cheerfully adopt any modifications which on a frank interchange of opinions my constitutional advisers may suggest and which I shall be satisfied are reconcilable with my official duties.

With these views, I ask the opinion of the Senate upon the following questions:

Will the Senate advise the conclusion of a treaty with the Choctaw Nation according to the terms which they propose? Or will the Senate advise the conclusion of a treaty with that tribe as modified by the alterations suggested by me? If not, what further alteration or modification will the Senate propose?

I am fully aware that in thus resorting to the early practice of the Government, by asking the previous advice of the Senate in the discharge of this portion of my duties, I am departing from a long and for many years an unbroken usage in similar cases. But being satisfied that this resort is consistent with the provisions of the Constitution, that it is strongly recommended in this instance by considerations of expediency,

and that the reasons which have led to the observance of a different practice, though very cogent in negotiations with foreign nations, do not apply with equal force to those made with Indian tribes, I flatter myself that it will not meet the disapprobation of the Senate. Among the reasons for a previous expression of the views of the Senate the following are stated as most prominent:

1. The Indians have requested that their propositions should be submitted to the Senate.

2. The opinion of the Senate in relation to the terms to be proposed will have a salutary effect in a future negotiation, if one should be deemed proper.

3. The Choctaw is one of the most numerous and powerful tribes within our borders, and as the conclusion of a treaty with them may have a controlling effect upon other tribes it is important that its terms should be well considered. Those now proposed by the Choctaws, though objectionable, it is believed are susceptible of modifications which will leave them conformable to the humane and liberal policy which the Government desires to observe toward the Indian tribes, and be at the same time acceptable to them. To be possessed of the views of the Senate on this important and delicate branch of our future negotiations would enable the President to act much more effectively in the exercise of his particular functions. There is also the best reason to believe that measures in this respect emanating from the united counsel of the treaty-making power would be more satisfactory to the American people and to the Indians.

It will be seen that the pecuniary stipulations are large; and in bringing this subject to the consideration of the Senate I may be allowed to remark that the amount of money which may be secured to be paid should, in my judgment, be viewed as of minor importance. If a fund adequate to the object in view can be obtained from the lands which they cede, all the purposes of the Government should be regarded as answered. The great desideratum is the removal of the Indians and the settlement of the perplexing question involved in their present location—a question in which several of the States of this Union have the deepest interest, and which, if left undecided much longer, may eventuate in serious injury to the Indians.

ANDREW JACKSON.

MAY 13, 1830.

To the House of Representatives.

GENTLEMEN: The inclosed documents will present to Congress the necessity of some legislative provision by which to prevent the offenses to which they refer. At present it appears there is no law existing for the punishment of persons guilty of interrupting the public surveyors when engaged in the performance of the trusts confided to them. I

suggest, therefore, for your consideration the propriety of adopting some provision, with adequate penalties, to meet the case.

ANDREW JACKSON.

MAY 13, 1830.

To the House of Representatives.

GENTLEMEN: I have the honor, in compliance with a resolution of your House of the 10th ultimo, to transmit the inclosed documents, which furnish all the information of the steps that have been taken and plans procured for the erection of a radiating marine railway for the repair of sloops of war at the navy-yard at Pensacola.

ANDREW JACKSON.

MAY 14, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I herewith transmit to Congress the report of the engineer employed to survey the bar at the mouth of Sag Harbor, to ascertain the best method of preventing the harbor being filled up with sand, and the cost of the same, authorized by the act of the 2d of March, 1829.

ANDREW JACKSON.

MAY 21, 1830.

To the Senate of the United States.

GENTLEMEN: It having been represented to me that some of the members of the Senate voted against the confirmation of the appointment of Major M. M. Noah as surveyor of the port of New York through misapprehension, and having received the accompanying letter and memorial from a number of the most respectable merchants and citizens of that city, setting forth his fitness for the office, I therefore renominate him to the Senate as surveyor of the customs for the port of New York.

ANDREW JACKSON.

MAY 25, 1830.

To the House of Representatives.

GENTLEMEN: I transmit herewith, for the use of the House, the report of a survey* made in compliance with the act of the 2d of March, 1829.

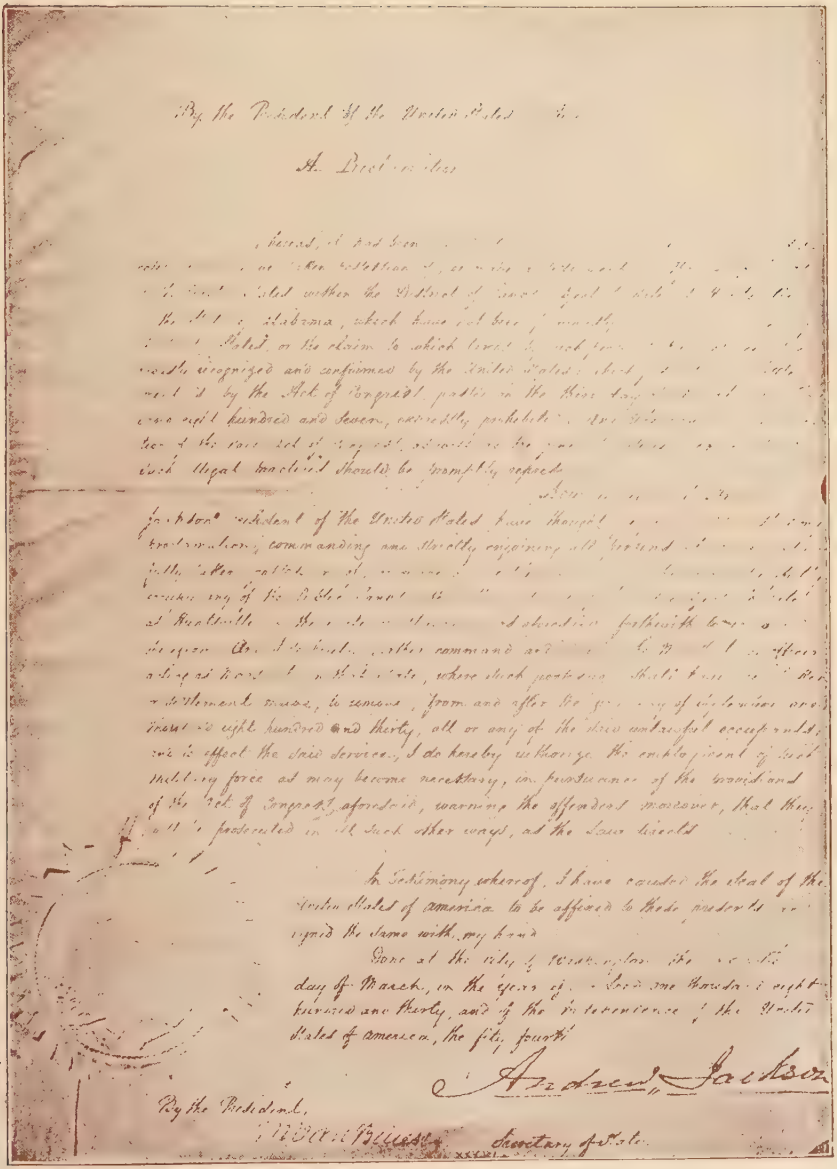
ANDREW JACKSON.

WASHINGTON, *May 26, 1830.*

To the Senate and House of Representatives of the United States.

GENTLEMEN: I think it my duty to inform you that I am daily expecting the definitive answer of the British Government to a proposition which has been submitted to it by this, upon the subject of the colonial trade.

*Of the harbors of Stamford and Norwalk, Conn.



PROCLAMATION BY PRESIDENT ANDREW JACKSON ABOUT THE PUBLIC LANDS OF ALABAMA.

This communication has been delayed by a confident belief that the answer referred to would have been received early enough to have admitted of its submission to you in sufficient season for the final action of Congress at its present session, and is now induced by an apprehension that although the packet by which it was intended to be sent is hourly expected, its arrival may, nevertheless, be delayed until after your adjournment.

Should this branch of the negotiation committed to our minister be successful, the present interdict would, nevertheless, be necessarily continued until the next session of Congress, as the President has in no event authority to remove it.

Although no decision had been made at the date of our last advices from Mr. McLane, yet from the general character of the interviews between him and those of His Majesty's ministers whose particular duty it was to confer with him on the subject there is sufficient reason to expect a favorable result to justify me in submitting to you the propriety of providing for a decision in the recess.

This may be done by authorizing the President, in case an arrangement can be effected upon such terms as Congress would approve, to carry the same into effect on our part by proclamation, or, if it should be thought advisable, to execute the views of Congress by like means in the event of an unfavorable decision.

Any information in the possession of the Executive which you may deem necessary to guide your deliberations, and which it may, under existing circumstances, be proper to communicate, shall be promptly laid before you, if required.

ANDREW JACKSON.

WASHINGTON, *May 27, 1830.*

To the Senate of the United States:

It is gratifying to me to be able to communicate to the Senate before the termination of its present session, for its advice and consent as to the ratification of it, a convention just received at the Department of State between the United States and His Majesty the King of Denmark, which was negotiated on the part of the former by Mr. Henry Wheaton, their chargé d'affaires at the Court of Denmark, and on that of the latter by the Sieurs Henry Count de Schemmelman, his minister of foreign affairs, and Paul Christian de Stemann, president of his chancery, and concluded and signed by these plenipotentiaries at Copenhagen on the 28th of March of the present year.

The convention provides by compromise for the adjustment and payment of indemnities to no inconsiderable amount, long sought from the Government of Denmark by that of the United States, in behalf of their citizens who had preferred claims for the same, relating to the seizure, detention, and condemnation or confiscation of their vessels, cargoes,

or property by the public armed ships or by the tribunals of Denmark or in the states subject to the Danish scepter; and there is every reason to believe, as the Senate will infer from the correspondence which accompanies this communication, that the proposed arrangement will prove entirely satisfactory to them.

ANDREW JACKSON.

MAY 28, 1830.

To the Senate of the United States.

GENTLEMEN: For the reasons expressed in the inclosed note, I renominate Wharton Rector to be agent for the Shawnee and Delaware Indians.

ANDREW JACKSON.

THE PRESIDENT OF THE UNITED STATES.

SIR: The rejection of Colonel Rector by the Senate took place in the absence of Mr. McLean and myself. We were both confined to our rooms by illness. Had we been present his nomination would have been confirmed. I believe that if he were again placed before the Senate his nomination would be confirmed, and should therefore be pleased if he could be again nominated.

I have the honor to be, your obedient servant,

J. ROWAN.

MAY 29, 1830.

To the House of Representatives.

GENTLEMEN: Having approved and signed a resolution, originating in the House of Representatives, which provides "that the pay, subsistence, emoluments, and allowances received by the officers of the Marine Corps previous to the 1st of April, 1829, be, and the same is hereby, directed to be continued to them from that date up to the 28th of February, 1831," it becomes my duty to call the attention of Congress to the fact that the estimates for that branch of the public service submitted to them at the commencement of the present session were made with reference to the pay, subsistence, emoluments, and allowances provided for by law, and excluding those which previously to the 1st of April, 1829, had been made on the authority of the Department alone, and to suggest the propriety of an appropriation to meet the increased expenditure.

ANDREW JACKSON.

WASHINGTON, *May 29, 1830.*

To the Senate of the United States:

I submit herewith a report* from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 3d of March, 1829.

ANDREW JACKSON.

*Transmitting statements of lands appropriated by Congress for specific objects within the several States, etc.; disbursements made within the several States and Territories from the commencement of the Government to December 31, 1828; value of exports from the commencement of the Government to September 30, 1828.

MAY 30, 1830.

To the Senate and House of Representatives of the United States.

GENTLEMEN: I have approved and signed the bill entitled "An act making appropriations for examinations and surveys, and also for certain works of internal improvement," but as the phraseology of the section which appropriates the sum of $8,000 for the road from Detroit to Chicago may be construed to authorize the application of the appropriation for the continuance of the road beyond the limits of the Territory of Michigan, I desire to be understood as having approved this bill with the understanding that the road authorized by this section is not to be extended beyond the limits of the said Territory.

ANDREW JACKSON.

VETO MESSAGES.

MAY 27, 1830.

To the House of Representatives.

GENTLEMEN: I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company," and now return the same to the House of Representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if in stating this difference I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great importance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of all my duties. Diversity of sentiment among public functionaries actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all Governments, and the more to be expected in one which, like ours, owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled as we thus are by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our nature, and with that intelligence and unbiased judgment which are the true correctives of error, all that our responsibility demands is that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session I endeavored to exhibit briefly my views upon the

important and highly interesting subject to which our attention is now to be directed. I was desirous of presenting to the representatives of the several States in Congress assembled the inquiry whether some mode could not be devised which would reconcile the diversity of opinion concerning the powers of this Government over the subject of internal improvement, and the manner in which these powers, if conferred by the Constitution, ought to be exercised. The act which I am called upon to consider has, therefore, been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document the following suggestions will be found:

> After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has by many of our fellow-citizens been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

And adverting to the constitutional power of Congress to make what I considered a proper disposition of the surplus revenue, I subjoined the following remarks:

> To avoid these evils it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution that it would be expedient to propose to the States an amendment authorizing it.

The constitutional power of the Federal Government to construct or promote works of internal improvement presents itself in two points of view—the first as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second as asserting the simple right to appropriate money from the National Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question of power is an open one, and can be decided without the embarrassments attending the other, arising from the practice of

the Government. Although frequently and strenuously attempted, the power to this extent has never been exercised by the Government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it can receive my official sanction.

But in the other view of the power the question is differently situated. The ground taken at an early period of the Government was "that whenever money has been raised by the general authority and is to be applied to a particular measure, a question arises whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may be applied to it; if not, no such application can be made." The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse and for its conservative effect upon some of the most valuable principles of the Constitution. The symmetry and purity of the Government would doubtless have been better preserved if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfill the general objects of its institution, an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent Administration of the Government, embracing a period of thirty out of the forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent in order that the reflections which they suggest to my mind may be better understood.

In the Administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which in the considerations that led to their adoption and in their effects upon the public mind have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of $15,000,000 for the purchase of Louisiana and to the original appropriation for the construction of the Cumberland road, the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the Confederacy, expressed through their respective legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must, nevertheless, be admitted that so far as the mere appropriation of money is concerned they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed, through all the forms of the Constitution, appropriating upward of $2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects under this power, the Administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States and to render more easy and less expensive the means and provisions for the common defense." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective States in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution, and superadding to these avowals his opinion that "a restriction of the power 'to provide for the common defense and general welfare' to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution." I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his Administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was "that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, not local, national, not State, benefit;" and this was avowed to be the governing principle through the residue of his Administration. The views of the last Administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it, in relation to internal improvements was fully recognized and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1798, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers; for although it is the duty of all to look to that sacred instrument instead of the statute book, to repudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement, for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be "of a general, not local, national, not State," character. A disregard of this distinction would of necessity lead to the subversion of the federal system. That even this is an unsafe one, arbitrary in its nature, and liable, consequently, to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow-citizens who have desired its passage, and by the respect which is due to a coordinate branch of the Government, but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national. It has no connection with any established system of improvements; is exclusively within the limits of a State, starting at a point on the Ohio River and running out 60 miles to an interior town, and even as far as the State is interested conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise

must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly *national* in its character or otherwise is an inquiry which is often extremely difficult of solution. The appropriations of one year for an object which is considered national may be rendered nugatory by the refusal of a succeeding Congress to continue the work on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the Government with the corporation by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, Is it national and conducive to the benefit of the whole, or local and operating only to the advantage of a portion of the Union?

But although I might not feel it to be my official duty to interpose the Executive veto to the passage of a bill appropriating money for the construction of such works as are authorized by the States and are national in their character, I do not wish to be understood as expressing an opinion that it is expedient at this time for the General Government to embark in a system of this kind; and anxious that my constituents should be possessed of my views on this as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations, there are two prominent views of the subject which have made a deep impression upon my mind, which, I think, are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

From the official communication submitted to you it appears that if no adverse and unforeseen contingency happens in our foreign relations and no unusual diversion be made of the funds set apart for the payment of the national debt we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department and those from the clerks of the Senate and House of Representatives, herewith submitted, it appears that the bills which have passed into laws, and those which in all probability will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa the appropriations for internal improvement are increasing beyond the available means of the Treasury. And if to this calculation be added the amounts contained in bills which are pending before the two Houses, it may be

safely affirmed that $10,000,000 would not make up the excess over the Treasury receipts, unless the payment of the national debt be postponed and the means now pledged to that object applied to those enumerated in these bills. Without a well-regulated system of internal improvement this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be either a continuance of the national debt or a resort to additional taxes.

Although many of the States, with a laudable zeal and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such as from their nature ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic, and if that desire is not gratified now it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guaranty that at the proper time this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But great as this object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the republican principle rest with us. To elevate its character and extend its influence rank among our most important duties, and the best means to accomplish this desirable end are those which will rivet the attachment of our citizens to the Government of their choice by the comparative lightness of their public burthens and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence our country is blessed with general prosperity and our citizens exempted from the pressure of taxation, which other less favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens through the medium of imposts have for a considerable period been onerous. In many particulars these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burthen was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. They have been cheerfully borne because they were thought to be necessary to the support of Government and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union and authorize the

reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor whose prosperity is essential to our national safety and independence will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well-digested system of improvement.

Under this view the question as to the manner in which the Federal Government can or ought to embark in the construction of roads and canals, and the extent to which it may impose burthens on the people for these purposes, may be presented on its own merits, free of all disguise and of every embarrassment, except such as may arise from the Constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is that the soundest views of national policy at this time point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a Republic of more than 12,000,000 happy people, in the fifty-fourth year of her existence, after having passed through two protracted wars—the one for the acquisition and the other for the maintenance of liberty—free from debt and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find in its effect an additional guaranty that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the Government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public virtue and taint the administration of the Government with a demoralizing influence.

In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the Constitution explaining and defining the precise powers of the Federal Government over it. Assuming the right to appropriate

money to aid in the construction of national works to be warranted by the cotemporaneous and continued exposition of the Constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant and embracing so much that has been overruled as to involve the whole subject in great uncertainty and to render the execution of our respective duties in relation to it replete with difficulty and embarrassment. It is in regard to such works and the acquisition of additional territory that the practice obtained its first footing. In most, if not all, other disputed questions of appropriation the construction of the Constitution may be regarded as unsettled if the right to apply money in the enumerated cases is placed on the ground of usage.

This subject has been one of much, and, I may add, painful, reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compacts can not be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if *expediency* be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power and defining and restricting its exercise

with reference to the sovereignty of the States, should be made. Without it nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works and to raise funds by the collection of tolls to keep them in repair can not be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. Whilst one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be unavoidably fatal to any scheme which from its extent would promote the interests and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

If it be the desire of the people that the agency of the Federal Government should be confined to the appropriation of money in aid of such undertakings, in virtue of State authorities, then the occasion, the manner, and the extent of the appropriations should be made the subject of constitutional regulation. This is the more necessary in order that they may be equitable among the several States, promote harmony between different sections of the Union and their representatives, preserve other parts of the Constitution from being undermined by the exercise of doubtful powers or the too great extension of those which are not so, and protect the whole subject against the deleterious influence of combinations to carry by concert measures which, considered by themselves, might meet but little countenance.

That a constitutional adjustment of this power upon equitable principles is in the highest degree desirable can scarcely be doubted, nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power in cases of real doubt more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, while those for whose benefit it is to be exercised have not conferred it and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the General Government to the advancement of the common weal present a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect is, I firmly believe, in a great degree unfounded. The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency, and it never will when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

A supposed connection between appropriations for internal improve-

EMIGRATING TO THE WESTERN RESERVE AND TRAVEL BY STAGE WAGGON

MIGRATION, SETTLEMENT AND IMPROVEMENT

The settled territory of the United States in 1790 amounted to about 240,000 square miles. In 1812 it amounted to about 400,000 square miles, and roughly speaking, four-fifths of the whole area of the United States had not a white settler upon it. There was a constant westward movement from the New England States and Pennsylvania and Maryland into Western New York, where it deployed and scattered. Another stream of emigrants moved into the Ohio Valley, settled all southern Ohio, overrun into Kentucky and Tennessee, and as fast as the Indians were pushed back, populated Indian Territory. Stragglers, in 1812, were pushing southward into Alabama. The manner of transportation is shown in the upper panel.

The rapidity of the movement and the vastness of the area made it impossible for the States to cut half the roads, build half the bridges or clear half the streams necessary for easy communication and trade. An effort was made, however, with some success. Several of the States ceased spending money on roads, bridges and waterways in the populous sections and spent all available funds on the new and wildest areas. The citizens of the older towns then organized corporations for the construction and management of pikes, bridges and canals.

Between 1790 and 1812, the population increased from 3,250,000 to 7,250,000; five States had been added to the original thirteen; and five Territories had been established.

See the index articles (volume eleven), entitled "Western Reserve," "Internal Improvements," and the allied subjects mentioned therein. The number of presidential references to these topics is an excellent indication of the thoroughness with which they have, in their official documents, described the condition of the country.

ment and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities whose claims upon my friendship and gratitude are of the strongest character, but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends it shall receive from me a temperate but steady support. There is no necessary connection between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the grounds of its consistency with the letter and spirit of the Constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people, on which account it is at least entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt by means of large appropriations as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people or a consciousness that the system does not possess sufficient soundness for its support if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions I have spoken with the freedom and candor which I thought the occasion for their expression called for, and now respectfully return the bill which has been under consideration for your further deliberation and judgment.

ANDREW JACKSON.

WASHINGTON, *May 31, 1830.*

To the Senate of the United States.

GENTLEMEN: I have considered the bill proposing "to authorize a subscription of stock in the Washington Turnpike Road Company," and now return the same to the Senate, in which it originated.

I am unable to approve this bill, and would respectfully refer the

Senate to my message to the House of Representatives on returning to that House the bill "to authorize a subscription of stock in the Maysville, Washington, Paris and Lexington Turnpike Road Company" for a statement of my objections to the bill herewith returned. The message referred to bears date on the 27th instant, and a printed copy of the same is herewith transmitted.

ANDREW JACKSON.

[NOTE.—For reasons for the pocket vetoes of "An act for making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and "An act to authorize a subscription for stock in the Louisville and Portland Canal Company," see Second Annual Message, dated December 6, 1830, p. 508.]

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been represented that many uninformed or evil-disposed persons have taken possession of or made a settlement on the public lands of the United States within the district of lands subject to sale at Huntsville, in the State of Alabama, which have not been previously sold, ceded, or leased by the United States, or the claim to which lands by such persons has not been previously recognized and confirmed by the United States, which possession or settlement is, by the act of Congress passed on the 3d day of March, 1807, expressly prohibited; and

Whereas the due execution of the said act of Congress, as well as the general interest, requires that such illegal practices should be promptly repressed:

Now, therefore, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully taken possession of or made any settlement on, or who now unlawfully occupy, any of the public lands within the district of lands subject to sale at Huntsville, in the State of Alabama, as aforesaid, forthwith to remove therefrom; and I do hereby further command and enjoin the marshal, or officer acting as marshal, in that State, where such possession shall have been taken or settlement made, to remove, from and after the 1st day of September, 1830, all or any of the said unlawful occupants; and to effect the said service I do hereby authorize the employment of such military force as may become necessary in pursuance of the provisions of the act of Con-

gress aforesaid, warning the offenders, moreover, that they will be prosecuted in all such other ways as the law directs.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

[SEAL.] Done at the city of Washington, the 6th day of March, A. D. 1830, and of the Independence of the United States of America the fifty-fourth.

ANDREW JACKSON.

By the President:

M. VAN BUREN,

Secretary of State.

[From original in General Land Office.]

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of law, I, Andrew Jackson, President of the United States of America, do hereby declare and make known that public sales will be held at the under-mentioned land offices, in the State of Louisiana, at the periods designated, to wit:

At the land office at New Orleans on the first Monday in November next, for the disposal of such of the public lands within the limits of the under-mentioned fractional townships as are not covered by private land claims, viz:

Fractional townships 6, 7, and 9 south, of range 12 east; fractional townships 9 and 10 south, of range 13 east; fractional township 11 south, of range 15 east; fractional township 12 south, of range 16 east; fractional township 12 south, of ranges 20 and 21 east; fractional township 13 south, of range 21 east.

The above-described lands are adjacent to and binding on the Mississippi River.

At the land office at Ouachita, on the third Monday in November next, for the disposal of the public lands within the limits of the under-mentioned townships and fractional townships, viz:

Fractional townships 3 and 4 north, of range 1 east; fractional townships 2 and 3 and townships 19 and 20 north, of range 2 east; fractional townships 2 and 3 and townships 7, 13, 14, 19, and 20 north, of range 3 east; fractional township 3 and townships 8, 9, 13, 14, and 19 north, of range 4 east; township 9 north, of ranges 5 and 6 east; township 10 north, of range 7 east; townships 10, 11, and 12 north, of range 8 east; also township 8 north, of range 9 east, and townships 8 and 9 north, of range 10 east, including the Lake St. John and part of Lake Concordia, near Natchez; township 21 and fractional township 22 north, of range 12 east; fractional townships 21, 22, and 23, of range 13 east, in the vicinity of Lake Providence; fractional township 4 north, of range 1 west; fractional

townships 5 and 6 north, of range 2 west; fractional townships 5 and 6 and township 7 north, of range 3 west.

At the land office at St. Helena on the third Monday in November next, for the disposal of the public lands within the limits of the undermentioned townships and fractional townships, viz:

Township 4 and fractional townships 5 and 7, of range 1 west; townships 1 and 2 and fractional townships 3, 4, and 5, of range 2 west; townships 1 and 2 and fractional township 3, of range 3 west; fractional townships 1 and 2, of range 4 west; townships 4 and 5, of range 1 east; township 4, of range 2 east; township 4 and fractional townships 7 and 8, of range 10 east; townships 1, 2, 4, 6, 7, and fractional township 8, of range 11 east; townships 1, 2, 3, 4, 5, and fractional township 8, of range 12 east; townships 1, 2, 3, 5, 6, and 8 and fractional townships 4 and 9, of range 13 east; fractional townships 1, 2, 3, and 10, of range 14 east; fractional township 10, of ranges 15, 16, and 17 east.

The townships and fractional townships will be offered in the order in which they are above designated, beginning with the lowest number of section in each.

The lands reserved by law for the use of schools or for other purposes are to be excluded from sale.

Given under my hand, at the city of Washington, this 5th day of June, 1830.

ANDREW JACKSON.

By the President:

GEORGE GRAHAM,

Commissioner of the General Land Office.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation

or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Royal Highness the Grand Duke of Oldenburg, through an official communication of F. A. Mensch, his consul in the United States, under date of the 15th of September, 1830, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the Grand Dukedom of Oldenburg upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any other country:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued so far as respects the vessels of the Grand Dukedom of Oldenburg and the produce, manufactures, and merchandise imported into the United States in the same from the Grand Dukedom of Oldenburg and from any other foreign country whatever, the said suspension to take effect from the day above mentioned and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the Grand Dukedom of Oldenburg in the same, as aforesaid, shall be continued on the part of the Government of His Royal Highness the Grand Duke of Oldenburg.

Given under my hand, at the city of Washington, the 18th day of September, A. D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. Van Buren, *Secretary of State.*

By the President of the United States of America.

A PROCLAMATION.

Whereas by an act of the Congress of the United States passed on the 29th day of May, 1830, it is provided that whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States for an indefinite or for a limited term; that the vessels of the United States, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost or charges of

any other description than would be imposed on British vessels or their cargoes arriving in the said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions from the United States any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforementioned, to any country whatever other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel to any country other than the British dominions or possessions as aforesaid, leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is—that then, and in such case, the President of the United States shall be authorized, at any time before the next session of Congress, to issue his proclamation declaring that he has received such evidence, and that thereupon, and from the date of such proclamation, the ports of the United States shall be opened indefinitely or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost or charge of any description whatever than would be levied on the vessels of the United States or their cargoes arriving from the said British possessions; and that it shall be lawful for the said British vessels to import into the United States and to export therefrom any article or articles which may be imported or exported in vessels of the United States; and that the act entitled "An act concerning navigation," passed on the 18th day of April, 1818, an act supplementary thereto, passed the 15th day of May, 1820, and an act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st day of March, 1823, shall in such case be suspended or absolutely repealed, as the case may require; and

Whereas by the said act it is further provided that whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States from the islands, provinces, or colonies of Great Britain on or near the North American continent and north or east of the United States; and

Whereas satisfactory evidence has been received by the President of the United States that whenever he shall give effect to the provisions of the act aforesaid the Government of Great Britain will open for an indefinite period the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama Islands, the Caicos, and the Bermuda or Somer Islands to the vessels of the United States, and their cargoes, upon the terms and according to the requisitions of the aforesaid act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of

America, do hereby declare and proclaim that such evidence has been received by me, and that by the operation of the act of Congress passed on the 29th day of May, 1830, the ports of the United States are from the date of this proclamation open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act. The act entitled "An act concerning navigation," passed on the 18th day of April, 1818, the act supplementary thereto, passed the 15th day of May, 1820, and the act entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed the 1st day of March, 1823, are absolutely repealed, and British vessels and their cargoes are admitted to an entry in the ports of the United States from the islands, provinces, and colonies of Great Britain on or near the North American continent and north or east of the United States.

Given under my hand, at the city of Washington, the 5th day of October, A. D. 1830, and the fifty-fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:
M. VAN BUREN,
Secretary of State.

EXECUTIVE ORDER.

ADJUTANT-GENERAL'S OFFICE,
Washington, June 12, 1830.

ORDER 29.

The following general order has been received from the War Department. It is published for the information of all concerned:

DEPARTMENT OF WAR,
Washington, June 12, 1830.

GENERAL ORDER.

Congress at their last session passed an act repealing so much of the military law as imposes the penalty of death on those who "in time of peace" shall be found guilty of the crime of desertion. To give complete effect to the benevolent designs of said act, and that the Army may be correctly informed, it is hereby proclaimed that a free and full pardon is extended to those who at the date of this order stand in the character of deserters. All who are under arrest for this offense at the different posts and garrisons will be forthwith liberated, and return to their duty. Such as are roaming at large and those who are under sentence of death

are discharged, and are not again to be permitted to enter the Army, nor at any time hereafter to be enlisted in the service of the country. It is desirable and highly important that the ranks of the Army should be composed of respectable, not degraded, materials. Those who can be so lost to the obligations of a soldier as to abandon a country which morally they are bound to defend, and which solemnly they have sworn to serve, are unworthy, and should be confided in no more.

By order of the President of the United States:

JOHN H. EATON,
Secretary of War.

Communicated by order of Alexander Macomb, Major-General Commanding the Army.

R. JONES, *Adjutant-General.*

SECOND ANNUAL MESSAGE.

DECEMBER 6, 1830.

Fellow-Citizens of the Senate and House of Representatives:

The pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The beneficent Author of All Good has granted to us during the present year health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended Republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to inevitable diversities in the various interests which enter into the composition of so extensive a whole than to any want of attachment to the Union—interests whose collisions serve only in the end to foster the spirit of conciliation and patriotism so essential to the preservation of that Union which I most devoutly hope is destined to prove imperishable.

In the midst of these blessings we have recently witnessed changes in the condition of other nations which may in their consequences call for the utmost vigilance, wisdom, and unanimity in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their Government, effected with so

much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind I do no more than respond to the voice of my country, without transcending in the slightest degree that salutary maxim of the illustrious Washington which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising in the most unlimited degree the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of Heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy with which they are administered—from such a people the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by a heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present King of the French, and which if sustained to the end will secure to him the proud appellation of Patriot King, it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs have been fully realized in several important particulars.

An arrangement has been effected with Great Britain in relation to the trade between the United States and her West India and North American colonies which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies or to exclude us from a participation therein has never been denied by the United States. But we have contended, and with reason, that if at any time Great Britain may desire the productions of this country as necessary to her colonies they must be received upon principles of just reciprocity, and, further, that it is making an invidious and unfriendly distinction to open her colonial ports to the vessels of other nations and close them against those of the United States.

Antecedently to 1794 a portion of our productions was admitted into the colonial islands of Great Britain by particular concessions, limited to the term of one year, but renewed from year to year. In the transpor-

tation of these productions, however, our vessels were not allowed to engage, this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands and theirs brought to us in return. From Newfoundland and her continental possessions all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794 she offered to concede to us for a limited time the right of carrying to her West India possessions in our vessels not exceeding 70 tons burthen, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only, and, moreover, that they should during the continuance of the privilege be precluded from carrying molasses, sugar, coffee, cocoa, or cotton either from those islands or from the United States to any other part of the world. Great Britain readily consented to expunge this article from the treaty, and subsequent attempts to arrange the terms of the trade either by treaty stipulations or concerted legislation having failed, it has been successively suspended and allowed according to the varying legislation of the parties.

The following are the prominent points which have in later years separated the two Governments: Besides a restriction whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States it has been contended, first, that the subject should be regulated by treaty stipulation in preference to separate legislation; second, that our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country or of her other colonial possessions, and, third, that our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been for a long time strenuously insisted upon by Great Britain, was given up by the act of Parliament of July, 1825, all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part each of the above points had in succession been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked

by them, and which the state of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood, and our commerce and navigation will enjoy in the colonial ports of Great Britain every privilege allowed to other nations.

That the prosperity of the country so far as it depends on this trade will be greatly promoted by the new arrangement there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expense and inconvenience unavoidably incident to it would have been insupportably onerous had it not been in a great degree lightened by concerted evasions in the mode of making the transshipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only, and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. McLane has acted, together with the communications which had at that time passed between him and the British Government, was laid before you. Although there has not been anything in the acts of the two Governments which requires secrecy, it was thought most proper in the then state of the negotiation to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded, and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as I trust the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were upon the reception and annunciation by the President of the required assurance on the part of Great Britain forthwith opened to her vessels before the arrangement could be carried into effect on her part, pursuing in this act of prospective legislation a similar course to that adopted by Great Britain in abolishing, by her act of Parliament in 1825, a restriction then existing and permitting our vessels to clear from the colonies on their return voyages for any foreign country whatever before British vessels had been relieved from the restriction imposed

by our law of returning directly from the United States to the colonies, a restriction which she required and expected that we should abolish. Upon each occasion a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feeling, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been throughout characterized by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.

Although the result is itself the best commentary on the services rendered to his country by our minister at the Court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black Sea and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed have for a long time been a source of much solicitude to this Government, and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were consequently appointed to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black Sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provisions a free passage is secured, without limitation of time, to the vessels of the United States to and from the Black Sea, including the navigation thereof, and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople, and the former derives much value, not only from the increased security which under any circumstances it would give to the right in question, but from the fact, ascertained in the course of the negotiation, that by the construction put upon that treaty by Turkey the article relating to the passage of the Bospho-

rue is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that Empire and confidence in its friendship toward the United States have been so long entertained on our part and so carefully cherished by the present Emperor and his illustrious predecessor as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our minister lately commissioned to that Court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion—of leaving temporarily his post for the advantage of a more genial climate.

If, as it is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg and resume the discharge of his official duties. I have received the most satisfactory assurances that in the meantime the public interest in that quarter will be preserved from prejudice by the intercourse which he will continue through the secretary of legation with the Russian cabinet.

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was in the month of March last concluded between the United States and Denmark, by which $650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the board of commissioners to distribute the indemnity among the claimants. It is an agreeable circumstance in this adjustment that the terms are in conformity with the previously ascertained views of the claimants themselves, thus removing all pretense for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression, and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations

with all; ever ready to fulfill our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by, and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that Republic, and, finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities, and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it in my power yet to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation has yet been taken, and I do not allow myself to doubt that justice will soon be done us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice make an earnest prosecution of them by this Government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed, and whatever distinctions may have heretofore been set up in regard to the liability of the existing Government it is quite clear that such considerations can not now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements, but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment not only a firm and cordial friendship, but a progressive development of all their relations, may be expected. It is, therefore, my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation is alike warranted by the character of the French people and by the high voucher we possess for the enlarged views and pure integrity of the Monarch who now presides over their councils, and nothing shall be wanting on my part to meet any

manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that Government by our minister there with much force and propriety, and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator have all been taken in the same liberal and friendly spirit which characterized those before announced. Recent events have doubtless served to delay the decision, but our minister at the Court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting, change has been effected in our relations with the neighboring Republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition which it became my painful duty to advert to on a former occasion have been, I believe, entirely removed, and the Government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is the establishment of friendship and mutual confidence. Such are the assurances I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which I am persuaded are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear in the course of the last summer that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which had hitherto been under our jurisdiction. The cooperation of the representative of Mexico near this Government was asked on the occasion and was readily afforded. Instructions and advice have been given to the governor of Arkansas and the officers in command in the adjoining Mexican State by which it is hoped the quiet of that frontier will be preserved until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the nonarrival of the ratification of that Government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria, and in the meantime the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our

commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session two bills—the one entitled "An act for making appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and the other "An act to authorize a subscription for stock in the Louisville and Portland Canal Company"—were submitted for my approval. It was not possible within the time allowed me before the close of the session to give to these bills the consideration which was due to their character and importance, and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the Houses in which they respectively originated with the reasons which, after mature deliberation, compel me to withhold my approval.

The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.

As our foreign commerce increased and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law were authorized upon the same principle and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate is very probable. The circumstances under which they are incurred are well calculated to lead to such a result unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money too frequently, it is to be feared, invite appropriations for objects of this character that are neither necessary nor useful.

The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more of various descriptions. From representations upon the subject which are understood to be entitled to respect I am induced to believe that there has not only been great improvidence in the past expenditures of the Government upon these objects, but that the security of navigation has in some instances been

diminished by the multiplication of light-houses and consequent change of lights upon the coast. It is in this as in other respects our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But in the discharge of that duty in this particular it must not be forgotten that in relation to our foreign commerce the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable that whatever gives facility and security to navigation cheapens imports, and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation that he does who resides in a maritime State. Local expenditures have not of themselves a corresponding operation.

From a bill making *direct* appropriations for such objects I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character, which I can not approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations I mean not to include a practice which has obtained to some extent, and to which I have in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience and a more thorough consideration of the subject have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment of tolls or any imposition of that character. The practice of thus mingling the concerns of the Government with those of the States or of individuals is inconsistent with the object of its institution and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important, objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this Government by consolidating into one the General and State Governments, which were intended to be kept forever distinct. I can not perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the Government in private companies is subordinate to that of individuals,

the management and control of a portion of the public funds is delegated to an authority unknown to the Constitution and beyond the supervision of our constituents; if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest or an alienation of the affections and respect of portions of the people may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary stipulations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these can not be great from a limited and small number of investments, because experience in other matters teaches us—and we are not at liberty to disregard its admonitions—that unless an entire stop be put to them it will soon be impossible to prevent their accumulation until they are spread over the whole country and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each 60 or 100 miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and in my view dangerous to the liberties of the people.

This mode of aiding such works is also in its nature deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility and granted with less security to the public interest when the measure is thus disguised than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a government like ours more especially should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland Canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object when the first erroneous step has been taken by instituting a partnership between the Government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the time regarded as the extent of the aid which Government was to render to that work; and the accompanying bill for light-houses, etc., contains an appropriation for a survey of the bed of the river, with a view to its improvement by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage of the river and render the canal entirely useless. To such improvidence is the course of legislation subject in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be

already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville road companies I expressed my views fully in regard to the power of Congress to construct roads and canals within a State or to appropriate money for improvements of a local character. I at the same time intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon and so long acquiesced in by the Federal and State Governments and the constituents of each as to justify its exercise on the ground of continued and uninterrupted usage, but that it was, nevertheless, highly expedient that appropriations even of that character should, with the exception made at the time, be deferred until the national debt is paid, and that in the meanwhile some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me, and were, I readily admit, intended to awake the attention and draw forth the opinions and observations of our constituents upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily in the discharge of my official duties be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform as far as I can to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy, but making full allowances on that account I can not, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate is to be expected. But even such objections must from the nature of our population be but temporary in their duration, and if it were otherwise our course should be the same, for the time is yet, I hope, far distant when those intrusted with power to be exercised for the good of the whole will consider it either honest or wise to purchase local favors at the sacrifice of principle and general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their constitutionality. That this right should not be exercised on slight occasions all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors, and by the persuasion, too, that whatever liberal institutions may have to fear from the encroachments of Executive power, which has been everywhere the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent, and thus excludes the operation of personal interests, everywhere the bane of official trust. I derive, too, no small degree of satisfaction from the reflection that if I have mistaken the interests and wishes of the people the Constitution affords the means of soon redressing the error by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the meantime, the interests of the nation will be saved from prejudice by a rigid application of that portion of the public funds which might otherwise be applied to different objects to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the Government in this matter than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as relates to the general prosperity of the country, but to the safety of the federal system, I can not avoid repeating my earnest hope that all good citizens who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an opposite state of things into means for the gratification of personal ambition, will, laying aside minor considerations and discarding local prejudices, unite their honest exertions to establish some fixed general principle which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general grounds of my objection to local appropriations have been heretofore expressed, and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the State sovereignties as far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between

them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system, and to which we must alone look for its future stability.

That there are diversities in the interests of the different States which compose this extensive Confederacy must be admitted. Those diversities arising from situation, climate, population, and pursuits are doubtless, as it is natural they should be, greatly exaggerated by jealousies and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are intrusted with the management of its affairs to neutralize their effects as far as practicable by making the beneficial operation of the Federal Government as equal and equitable among the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts to see how far the past acts of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upward of $5,000,000, and have been distributed in very unequal proportions amongst the States. The estimated expense of works of which surveys have been made, together with that of others projected and partially surveyed, amounts to more than $96,000,000.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others is doubtless true, but that they are of a character which should prevent an equitable distribution of the funds amongst the several States is not to be conceded. The want of this equitable distribution can not fail to prove a prolific source of irritation among the States.

We have it constantly before our eyes that professions of superior zeal in the cause of internal improvement and a disposition to lavish the public funds upon objects of this character are daily and earnestly put forth by aspirants to power as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibitions of public sentiment has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds, which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their Representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: First, an objection to the ratio of distribution; second, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; third, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence on the part of the State governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if in the judgment of those whose right it is to fix it it be deemed politic and just to give it that character, have regard to several.

In my first message I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will until a remote period, if ever, leave the Govern-

ment without a considerable surplus in the Treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon, and if there be no such fund its adoption will, in my opinion, work no injury to any interest; for I can not assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority in the exercise of constitutional power shall at any time hereafter decide to be for the general good will in that as in other respects deserve and receive the acquiescence and support of the whole country, and we have ample security that every abuse of power in that regard by agents of the people will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens in intelligence and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens, and as sensible of the great truth that the resources of the nation beyond those required for immediate and necessary purposes of Government can nowhere be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest in relation to improvements within such States. But if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may, however, be assumed as a safe general rule that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength as well as the true glory of the Confederacy is founded on the prosperity and power of the several independent sovereignties of which it is composed and the certainty with which they can be brought into successful active cooperation through the agency of the Federal Government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs that schemes of internal improvement have from time to time been proposed which, from their extent and seeming magnificence, were readily regarded as of national concernment, but which upon fuller consideration and further experience would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty, and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the State legislatures, in which every part of each State is immediately represented, can not, I think, be doubted. In the new States particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the Federal Government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained than if the funds were placed under the control of the legislature, in which every county of the State has its own representative. This supposition does not necessarily impugn the motives of such Congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection—its probable effect upon the dignity and independence of State governments—it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case the State would receive its quota of the national revenue for domestic use upon a fixed principle as a matter of right, and from a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the National Treasury as it may comport with their pleasure or sense of duty to bestow upon them. It can not require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the Constitution under which we have so long lived and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome, and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the power of man to make a system of government like ours

or any other operate with precise equality upon States situated like those which compose this Confederacy; nor is inequality always injustice. Every State can not expect to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and can not be entirely counteracted by human means. Mutual forbearance becomes, therefore, a duty obligatory upon all, and we may, I am confident, count upon a cheerful compliance with this high injunction on the part of our constituents. It is not to be supposed that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges which other less favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one if it be but faithfully adhered to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would forever preserve our Union. Those who cherish and inculcate sentiments like these render a most essential service to their country, while those who seek to weaken their influence are, however conscientious and praiseworthy their intentions, in effect its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were in good faith applied to the eradication of causes of local discontent, by the improvement of our institutions and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country and the dictates of an enlightened patriotism will in the end lead the public mind in that direction?

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation is, perhaps, the worst that could exist, and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so, it is to be hoped that those who disapprove the past and dissent from what is proposed for the future will feel it their duty to direct their attention to it, as they must be sensible that unless some fixed rule for the action of the Federal Government in this respect is established the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject, which shall best serve to keep the movements of the Federal Government within the sphere intended by those who modeled and those who adopted it, which shall lead to the extinguishment of the national debt in the shortest period and impose the lightest burthens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern I can not omit to press again upon your attention that part of the Constitution which regulates the election of President and Vice-President. The necessity for its amendment is made so clear to my mind by observation of its evils and by the many able discussions which they have elicited on the floor of Congress and elsewhere that I should be wanting to my duty were I to withhold another expression of my deep solicitude on the subject. Our system fortunately contemplates a recurrence to first principles, differing in this respect from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other governments. Our fellow-citizens, too, who in proportion to their love of liberty keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes, yet the habitual presence, or even a single instance, of evils which can be clearly traced to an organic defect will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The Constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny, and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition we should learn from authority so high the duty of fortifying the points in it which time proves to be exposed rather than be deterred from approaching them by the suggestions of fear or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their Chief Magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions that I was induced to suggest for your consideration the substitute which appeared to me at the same time the most likely to correct the evil and to meet the views of our constituents. The most mature reflection since has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character is unjust to the people, and becomes when it occurs a source of embarrassment to the individuals thus brought into power and a cause of distrust of the representative body. Liable as the Confederacy is, from its great extent, to parties founded upon sectional interests, and to a corresponding multiplication of candidates for the Presidency, the tendency of the constitutional reference to the House of Representatives is to devolve the election upon that body in almost every instance,

and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the Constitution appear far more threatening to the peace and integrity of the Union than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the legislative and executive branches of the Government. To secure this object nothing is more essential than to preserve the former from all temptations of private interest, and therefore so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason that, in connection with an amendment of the Constitution removing all intermediate agency in the choice of the President, I recommended some restrictions upon the reeligibility of that officer and upon the tenure of offices generally. The reason still exists, and I renew the recommendation with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that his appointment may as far as possible be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account

of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means

INDIAN ATTACK ON OUTLYING SETTLEMENT

INDIAN OUTRAGES

The character of the aboriginal American has been aptly described by the Presidents. No treaties bound him and there was no means of telling when he would strike. The land belonged to the Indian. Agents of the white man would negotiate a sale with the chief of the tribe. The terms would not satisfy the rest of the tribe. Perhaps the white agent was guilty of fraud and corruption. The Indian knew no appeal except that to arms. After silently smoldering in the depths of the forest, this hatred would burst forth on some unoffending and unsuspecting hamlet. After the wild rush, the screams, the murder and the flames at night, the morning would disclose a heap of ashes, with mutilated corpses surrounded by dogs and buzzards. Weeks afterward troops would be sent to pacify the country. By the time the ashes of one ruined settlement were cold, flaming arrows were shooting into the thatch at some other part of the exposed frontier.

There was no solution of the difficulty except that of forcing the Indian into reservations where he and the white man would not collide, but the Indian resisted that almost to the verge of extermination.

Reference to the headings from "Indian Affairs" to "Indians," which cover about twenty-three pages of the index (volume eleven), will give the reader an idea of the importance of the aboriginal American in our history. Some of the Presidents, like Jackson and W. H. Harrison, knew the Indian well from having fought him.

to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the

Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century—so just to the States and so generous to the Indians—the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our Confederacy. With Georgia there is an express contract; with the new States an implied one of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama to form constitutions and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be coextensive with their limits, and that with all convenient dispatch the General Government should extinguish the Indian title and remove every obstruction to the complete jurisdiction of the State governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits. When this is done the duties of the General Government in relation to the States and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter in the least their personal relations with the State government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess by virtue of their sovereign power within their own limits in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to

the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and by a speedy removal to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation the condition of our impost revenue deserves special mention, inasmuch as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional, and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently if it be not possessed by the General Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case. This indispensable power thus surrendered by the States must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts because they would destroy the whole; others fear to touch the objectionable parts lest those they approve should be jeoparded. I am persuaded that the advocates of these conflicting views do injustice to the American people and to their representatives. The general interest is the interest of each, and my confidence is entire that to insure the adoption of such modifications of the tariff as the general interest requires it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess and effects they can not produce. The effects of the present tariff are doubtless overrated,

both in its evils and in its advantages. By one class of reasoners the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another the reduced price of manufactured articles. The probability is that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must therefore be deeper and more pervading than the tariff of the United States. It may in a measure be attributable to the increased value of the precious metals, produced by a diminution of the supply and an increase in the demand, while commerce has rapidly extended itself and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But on the whole it is questionable whether the reduction in the price of lands, produce, and manufactures has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected. Of these the productions of our soil, our mines, and our workshops, essential to national defense, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction, and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived in some of these respects from the measures of your last session.

The best as well as fairest mode of determining whether from any just considerations a particular interest ought to receive protection would be to submit the question singly for deliberation. If after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system or to purchase support for a different interest—it should enlist in its favor a majority of the representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them when that protection forms part of a system by which portions of the country feel or conceive themselves to be oppressed. What is incalculably

more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities founded not on identity of conviction, but on combinations of small minorities entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution, and that while an abandonment of the policy in which it originated—a policy coeval with our Government, and pursued through successive Administrations—is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partisan conflicts that are incident to free institutions is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction must destroy all hope of settling it satisfactorily to the great body of the people and for the general interest. I can not, therefore, in taking leave of the subject, too earnestly for my own feelings or the common good warn you against the blighting consequences of such a course.

According to the estimates at the Treasury Department, the receipts in the Treasury during the present year will amount to $24,161,018, which will exceed by about $300,000 the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditure during the year, exclusive of public debt, is estimated at $13,742,311, and the payment on account of public debt for the same period will have been $11,354,630, leaving a balance in the Treasury on the 1st of January, 1831, of $4,819,781.

In connection with the condition of our finances, it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers and the more punctual payment of the public dues. The Revenue-Cutter Service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points, and regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, has produced much improvement in the execution of the laws and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements the system of expenditure for sick seamen belonging to the merchant service has been revised, and being rendered uniform and economical the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the Commissioner of the General Land Office and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests intrusted to the War Department. Some of them were referred to in my former message, and they are presented in detail in the report of the Secretary of War herewith submitted. I refer you also to the report of that officer for a knowledge of the state of the Army, fortifications, arsenals, and Indian affairs, all of which it will be perceived have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier which are now or shortly will be completed should not be in readiness sooner than the customary appropriations will enable the Department to provide them. This precaution seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the Secretary of the Navy for a highly satisfactory account of the manner in which the concerns of that Department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defense with peculiar care. Separated by wide seas from all those Governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce and harassing inroads upon our coast against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the Government has therefore been recently directed more to preserving the public vessels already built and providing materials to be placed in depot for future use than to increasing their number. With the aid of Congress, in a few years the Government will be prepared in case of emergency to put afloat a powerful navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service suggested in my last annual message, which are noticed more in detail in the report of the Secretary of the Navy, are again recommended to your serious attention.

The report of the Postmaster-General in like manner exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of

the Post-Office Department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts improvements have been provided for the southern section of the country, and at the same time an annual saving made of upward of $72,000. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfillment of existing contracts and in the additional expenses between the periods of contracting to meet the demands created by the rapid growth and extension of our flourishing country, yet the satisfactory assurance is given that the future revenue of the Department will be sufficient to meet its extensive engagements. The system recently introduced that subjects its receipts and disbursements to strict regulation has entirely fulfilled its designs. It gives full assurance of the punctual transmission, as well as the security of the funds of the Department. The efficiency and industry of its officers and the ability and energy of contractors justify an increased confidence in its continued prosperity.

The attention of Congress was called on a former occasion to the necessity of such a modification in the office of Attorney-General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury, and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the Attorney-General's Office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing him at the same time such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different Executive Departments to the Attorney-General are of frequent occurrence, and the prompt decision of the questions so referred tends much to facilitate the dispatch of business in those Departments. The report of the Secretary of the Treasury hereto appended shows also a branch of the public service not specifically intrusted to any officer which might be advantageously committed to the Attorney-General. But independently of those considerations this office is now one of daily duty. It was originally organized and its compensation fixed with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The

state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the seat of Government in professional attendance upon the courts injurious to the public service, and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justness of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the Attorney-General in regard to compensation on the same footing with the heads of the several Executive Departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed by the Constitution under the exclusive jurisdiction and control of Congress, this District is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac the same offense is punishable in unequal degrees, and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance in some cases to the improvements which have superseded them in those States.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a delegate to represent the wants of the citizens of this District on the floor of Congress is not due to them and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom, and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress with the same privileges that are allowed to the other Territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation, as one object of which I beg leave to recall your attention to the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principles involved in the inquiry whether it will be proper to recharter the Bank of the United States requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree the dangers which many of our citizens apprehend from that institution as at present organized. In the spirit

of improvement and compromise which distinguishes our country and its institutions it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank through the agency of a Bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank with the necessary officers as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks, while the Bank of the United States, though issuing no paper, would check the issues of the State banks by taking their notes in deposit and for exchange only so long as they continue to be redeemed with specie. In times of public emergency the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made not so much as a recommendation as with a view of calling the attention of Congress to the possible modifications of a system which can not continue to exist in its present form without occasional collisions with the local authorities and perpetual apprehensions and discontent on the part of the States and the people.

In conclusion, fellow-citizens, allow me to invoke in behalf of your deliberations that spirit of conciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

ANDREW JACKSON.

SPECIAL MESSAGES.

To the Senate of the United States. DECEMBER 9, 1830.

GENTLEMEN: I transmit herewith a treaty concluded by commissioners duly authorized on the part of the United States with the Choctaw tribe of Indians, which, with explanatory documents, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

WASHINGTON, *December 10, 1830.*

To the Senate of the United States:

I transmit to the Senate printed copies of the convention between the United States and His Majesty the King of Denmark, concluded at Copenhagen on the 28th March, 1830, and ratified by and with the advice and consent of the Senate.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON, *December 10, 1830.*

To the Senate of the United States:

I submit for the consideration of the Senate a treaty of commerce and navigation, together with a separate and secret article, concluded at Constantinople on the 7th day of May last, and signed by Charles Rhind, James Biddle, and David Offley as commissioners on the part of the United States, and by Mahommed Hamed, reis effendi, on the part of the Sublime Porte.

The French versions herewith transmitted, and accompanied by copies and English translations of the same, are transcripts of the original translations from the Turkish, signed by the commissioners of the United States and delivered to the Government of the Sublime Porte.

The paper in Turkish is the original signed by the Turkish plenipotentiary and delivered by him to the American commissioners. Of this a translation into the English language, and believed to be correct, is likewise transmitted.

ANDREW JACKSON.

WASHINGTON, *December 15, 1830.*

To the Senate and House of Representatives.

GENTLEMEN: From information received at the Department of State it is ascertained that owing to unforeseen circumstances several of the marshals have been unable to complete the enumeration of the inhabitants of the United States within the time prescribed by the act of the 23d March, 1830, viz, by the 1st day of the present month.

As the completion of the Fifth Census as respects several of the States of the Union will have been defeated unless Congress, to whom the case is submitted, shall by an act of the present session allow further time for making the returns in question, the expediency is suggested of allowing such an act to pass at as early a day as possible.

ANDREW JACKSON.

To the Senate of the United States: DECEMBER 20, 1830.

In compliance with the resolution of the Senate of the 14th instant, calling for copies of any letters or other communications which may have

been received at the Department of War from the chiefs and headmen, or any of them, of the Choctaw tribe of Indians since the treaty entered into by the commissioners on the part of the United States with that tribe of Indians at Dancing Rabbit Creek, and also for information showing the number of Indians belonging to that tribe who have emigrated to the country west of the Mississippi, etc., I submit herewith a report from the Secretary of War, containing the information requested.

ANDREW JACKSON.

WASHINGTON, *December 20, 1830.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 16th instant, calling for certain papers relative to the negotiation of the treaty between the United States and Turkey now before the Senate, I communicate the inclosed report of the Secretary of State, accompanied by the documents and containing the information requested.

ANDREW JACKSON.

DECEMBER 29, 1830.

To the Senate of the United States:

I submit to the consideration of the Senate two treaties—one of peace, the other of cession—concluded at Prairie du Chien on the 10th and 15th July, 1830, by commissioners duly authorized on the part of the United States and by deputations of the confederated tribes of Indians residing on the Upper Mississippi.

ANDREW JACKSON.

DECEMBER 30, 1830.

To the Senate of the United States:

A vacancy having arisen in the office of brigadier in consequence of the removal of General John Nicks from the Territory of Arkansas to Cantonment Gibson, I nominated at your last session William Montgomery to be general of the second brigade of militia of said Territory. By this communication I desire to correct the Journal of the Senate and my message of the 22d of April, 1830, so as to exclude the idea that General Nicks was removed from office.

ANDREW JACKSON.

WASHINGTON, *December 31, 1830.*

To the Senate and House of Representatives of the United States:

I transmit herewith to Congress a copy of a correspondence which lately passed between Major-General Von Scholten, His Danish Majesty's governor-general of his West India possessions and special

minister to the United States, and Mr. Van Buren, Secretary of State, concerning the regulation of the commercial intercourse between those possessions and the United States, which comprehends the propositions that General Von Scholten made to this Government in behalf of his Sovereign upon that subject and the answers of the Secretary of State to the same, the last showing the grounds upon which this Government declined acceding to the overtures of the Danish envoy.

This correspondence is now submitted to the two Houses of Congress in compliance with the wish and request of General Von Scholten himself, and under the full persuasion upon my part that it will receive all the attention and consideration to which the very friendly relations that have so long subsisted between the United States and the King of Denmark especially entitle it in the councils of this Union.

ANDREW JACKSON.

JANUARY 3, 1831.

To the Senate of the United States:

Since my message of the 20th of December last, transmitting to the Senate a report from the Secretary of War, with information requested by the resolution of the Senate of the 14th December, in relation to the treaty concluded at Dancing Rabbit Creek with the Choctaw Indians, I have received the two letters which are herewith inclosed, containing further information on the subject.

ANDREW JACKSON.

WASHINGTON, *January 3, 1831.*

To the Senate and House of Representatives of the United States:

I communicate to Congress the papers relating to the recent arrangement with Great Britain with respect to the trade between her colonial possessions and the United States, to which reference was made in my message at the opening of the present session.

It will appear from those documents that owing to the omission in the act of the 29th of May last of a clause expressly restricting importations into the British colonies in American vessels to the productions of the United States, to the amendment engrafted upon that act in the House of Representatives, providing that when the trade with the West India colonies should be opened the commercial intercourse of the United States with all other parts of the British dominions or possessions should be left on a footing not less favorable to the United States than it now is, and to the act not specifying the terms upon which British vessels coming from the northern colonies should be admitted to entry into the ports of the United States, an apprehension was entertained by the Government of Great Britain that under the contemplated arrangement claims might be set up on our part inconsistent with the propositions submitted by our

minister and with the terms to which she was willing to agree, and that this circumstance led to explanations between Mr. McLane and the Earl of Aberdeen respecting the intentions of Congress and the true construction to be given to the act referred to.

To the interpretation given by them to that act I did not hesitate to agree. It was quite clear that in adopting the amendment referred to Congress could not have intended to preclude future alterations in the existing intercourse between the United States and other parts of the British dominions; and the supposition that the omission to restrict in terms the importations to the productions of the country to which the vessels respectively belong was intentional was precluded by the propositions previously made by this Government to that of Great Britain, and which were before Congress at the time of the passage of the act; by the principles which govern the maritime legislation of the two countries and by the provisions of the existing commercial treaty between them.

Actuated by this view of the subject, and convinced that it was in accordance with the real intentions of Congress, I felt it my duty to give effect to the arrangement by issuing the required proclamation, of which a copy is likewise herewith communicated.

ANDREW JACKSON.

JANUARY 5, 1831.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 17th of December last, calling for information on the subject of internal improvement, I submit herewith a report from the Secretaries of War and Treasury, containing the information required.

ANDREW JACKSON.

JANUARY 7, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Navy Department, upon the state of the accounts of the Navy in the office of the Fourth Auditor, and to suggest the necessity of correcting the evils complained of by early legislation.

ANDREW JACKSON.

WASHINGTON, *January 11, 1831.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to Congress a report of the Secretary of State, with the report to him from the Patent Office which accompanied it, in relation to the concerns of that office, and recommend the whole subject to early and favorable consideration.

ANDREW JACKSON.

[The same message was sent to the Senate.]

JANUARY 15, 1831.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 23d ultimo, requesting to be informed of the quantity of live-oak timber in the United States, where it is, and what means are employed to preserve it, I present herewith a report of the Secretary of the Navy, containing the information required.

ANDREW JACKSON.

JANUARY 15, 1831.

To the House of Representatives:

I submit to the consideration of Congress the accompanying report and documents from the Navy Department, in relation to the capture of the Spanish slave vessel called *The Fenix*, and recommend that suitable legislative provision be made for the maintenance of the unfortunate captives pending the legislation which has grown out of the case.

ANDREW JACKSON.

JANUARY 24, 1831.

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, containing the information requested by the resolution of the Senate of the 21st instant, in relation to "the state of the British establishments in the valley of the Columbia and the state of the fur trade as carried on by the citizens of the United States and the Hudsons Bay Company."

ANDREW JACKSON.

JANUARY 25, 1831.

To the House of Representatives:

I beg leave to call the attention of Congress to the inclosed communication from the Secretary of the Navy, in relation to the pay and other allowances of the officers of the Marine Corps, and to recommend the adoption of the legislative provisions suggested in it.

ANDREW JACKSON.

WASHINGTON, D. C., *January 26, 1831.*

To the Senate of the United States:

In pursuance of the advice and consent of the Senate as expressed in their resolution of the 10th February, 1830, the treaty of commerce and navigation between the United States and Austria concluded in this city on the 27th of August, 1829, was duly ratified by this Government on the 11th day of the same month of February; but the treaty itself containing a stipulation that the ratifications of the two parties to it should be

exchanged within twelve months from the date of its signature, and that of the Austrian Government not having been received here till after the expiration of the time limited, I have not thought myself at liberty under these circumstances, without the additional advice and consent of the Senate, to authorize that ceremony on the part of this Government. Information having been received at the Department of State from the Austrian representative in the United States that he is prepared to proceed to the exchange of the ratifications of his Government for that of this, the question is therefore submitted to the Senate for their advice and consent upon the occasion.

ANDREW JACKSON.

FEBRUARY 3, 1831.

To the Senate of the United States:

I respectfully submit to the Senate, in answer to their legislative resolution of the 20th ultimo, in relation to the sales of land at the Crawfordsville land office in November last, reports from the Secretary of the Treasury and the Commissioner of the General Land Office.

Concurring with the Secretary of the Treasury in the views he has taken of the treaties and act of Congress touching the subject, I can not discover that the President is invested with any power under the Constitution or laws to withhold a patent from a purchaser who has given a fair and valuable consideration for land, and thereby acquired a vested right to the same; nor do I perceive that the sole legislative resolution of the Senate can confer such a power, or suspend the right of the citizens to enter the lands that have been offered for sale in said district and remain unsold, so long as the law authorizing the same remains unrepealed.

I beg leave, therefore, to present the subject to the reconsideration of the Senate.

ANDREW JACKSON.

WASHINGTON, *February 3, 1831.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Treasury Department, in compliance with the resolution of the House of Representatives of the 3d ultimo, calling for the correspondence in relation to locating a cession of lands made or intended to be made by the Pottawattamie tribe of Indians for the benefit of the State of Indiana, etc.

ANDREW JACKSON.

To the House of Representatives of the United States:

I communicate to the House of Representatives, in compliance with their resolution of the 29th of January last, calling for information and papers respecting the seizure of American vessels by the naval forces of

Portugal forming the blockade of the island of Terceira, a report from the Secretary of State, which, with the documents accompanying it, contains the information in his Department upon that subject, and avail myself of the occasion further to inform the House of Representatives that orders had before the introduction of the resolution referred to been given to fit out a ship of war for the more effectual protection of our commerce in that quarter.

ANDREW JACKSON.

FEBRUARY 16, 1831

WASHINGTON, *February 19, 1831.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I present for the consideration of Congress a report from the Secretary of War, relative to a compromise of title of the island on which Fort Delaware has been constructed.

ANDREW JACKSON.

[The same message was sent to the Senate.]

To the Congress of the United States: FEBRUARY 22, 1831.

I transmit to Congress a letter from Mr. Rhind, stating the circumstances under which he received the four Arabian horses that were brought by him to the United States from Turkey. His letter will enable Congress to decide what ought to be done with them.

ANDREW JACKSON.

To the Senate of the United States: FEBRUARY 22, 1831.

I have received your resolution of the 15th instant, requesting me "to inform the Senate whether the provisions of the act entitled 'An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers,' passed the 30th of March, 1802, have been fully complied with on the part of the United States Government, and if they have not that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act," and I now reply to the same.

According to my views of the act referred to, I am not aware of any omission to carry into effect its provisions in relation to trade and intercourse with the Indian tribes so far as their execution depended on the agency confided to the Executive.

The numerous provisions of that act designed to secure to the Indians the peaceable possession of their lands may be reduced, substantially, to the following: That citizens of the United States are restrained under sufficient penalties from entering upon the lands for the purpose of hunting thereon, or of settling them, or of giving their horses and cattle the

benefit of a range upon them, or of traveling through them without a written permission; and that the President of the United States is authorized to employ the military force of the country to secure the observance of these provisions. The authority to the President, however, is not imperative. The language is:

> It shall be lawful for the President to take such measures and to employ such military force as he may judge necessary to remove from lands belonging to or secured by treaty to any Indian tribe any citizen who shall make a settlement thereon.

By the nineteenth section of this act it is provided that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States and being within the ordinary jurisdiction of any of the individual States." This provision I have interpreted as being prospective in its operation and as applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any State, but to such also as should thereafter become so. To this construction of its meaning I have endeavored to conform, and have taken no step inconsistent with it. As soon, therefore, as the sovereign power of the State of Georgia was exercised by an extension of her laws throughout her limits, and I had received information of the same, orders were given to withdraw from the State the troops which had been detailed to prevent intrusion upon the Indian lands within it, and these orders were executed. The reasons which dictated them shall be frankly communicated.

The principle recognized in the section last quoted was not for the first time then avowed. It is conformable to the uniform practice of the Government before the adoption of the Constitution, and amounts to a distinct recognition by Congress at that early day of the doctrine that that instrument had not varied the powers of the Federal Government over Indian affairs from what they were under the Articles of Confederation. It is not believed that there is a single instance in the legislation of the country in which the Indians have been regarded as possessing political rights independent of the control and authority of the States within the limits of which they resided. As early as the year 1782 the Journals of Congress will show that no claim of such a character was countenanced by that body. In that year the application of a tribe of Indians residing in South Carolina to have certain tracts of land which had been reserved for their use in that State secured to them free from intrusion, and without the right of alienating them even with their own consent, was brought to the consideration of Congress by a report from the Secretary of War. The resolution which was adopted on that occasion is as follows:

> *Resolved*, That it be recommended to the legislature of South Carolina to take such measures for the satisfaction and security of said tribes as the said legislature in their wisdom may think fit.

Here is no assertion of the right of Congress under the Articles of Confederation to interfere with the jurisdiction of the States over Indians within their limits, but rather a negation of it. They refused to interfere with the subject, and referred it under a general recommendation back to the State, to be disposed of as her wisdom might decide.

If in addition to this act and the language of the Articles of Confederation anything further can be wanting to show the early views of the Government on the subject, it will be found in the proclamation issued by Congress in 1783. It contains this language:

> The United States in Congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State.

And again:

> *Resolved*, That the preceding measures of Congress relative to Indian affairs shall not be construed to affect the territorial claims of any of the States or their legislative rights within their respective limits.

It was not then pretended that the General Government had the power in their relations with the Indians to control or oppose the internal polity of the individual States of this Union, and if such was the case under the Articles of Confederation the only question on the subject since must arise out of some more enlarged power or authority given to the General Government by the present Constitution. Does any such exist?

Amongst the enumerated grants of the Constitution that which relates to this subject is expressed in these words: "Congress shall have power to regulate commerce with the Indian tribes." In the interpretation of this power we ought certainly to be guided by what had been the practice of the Government and the meaning which had been generally attached to the resolves of the old Congress if the words used to convey it do not clearly import a different one, as far as it affects the question of jurisdiction in the individual States. The States ought not to be divested of any part of their antecedent jurisdiction by implication or doubtful construction. Tested by this rule it seems to me to be unquestionable that the jurisdiction of the States is left untouched by this clause of the Constitution, and that it was designed to give to the General Government complete control over the trade and intercourse of those Indians only who were not within the limits of any State.

From a view of the acts referred to and the uniform practice of the Government it is manifest that until recently it has never been maintained that the right of jurisdiction by a State over Indians within its territory was subordinate to the power of the Federal Government. That doctrine has not been enforced nor even asserted in any of the States of New England where tribes of Indians have resided, and where a few of

them yet remain. These tribes have been left to the undisturbed control of the States in which they were found, in conformity with the view which has been taken of the opinions prevailing up to 1789 and the clear interpretation of the act of 1802. In the State of New York, where several tribes have resided, it has been the policy of the Government to avoid entering into quasi treaty engagements with them, barely appointing commissioners occasionally on the part of the United States to facilitate the objects of the State in its negotiations with them. The Southern States present an exception to this policy. As early as 1784 the settlements within the limits of North Carolina were advanced farther to the west than the authority of the State to enforce an obedience of its laws. Others were in a similar condition. The necessities, therefore, and not the acknowledged principles, of the Government must have suggested the policy of treating with the Indians in that quarter as the only practicable mode of conciliating their good will. The United States at that period had just emerged from a protracted war for the achievement of their independence. At the moment of its conclusion many of these tribes, as powerful as they were ferocious in their mode of warfare, remained in arms, desolating our frontier settlements. Under these circumstances the first treaties, in 1785 and 1790, with the Cherokees, were concluded by the Government of the United States, and were evidently sanctioned as measures of necessity adapted to the character of the Indians and indispensable to the peace and security of the western frontier. But they can not be understood as changing the political relations of the Indians to the States or to the Federal Government. To effect this would have required the operation of quite a different principle and the intervention of a tribunal higher than that of the treaty-making power.

To infer from the assent of the Government to this deviation from the practice which had before governed its intercourse with the Indians, and the accidental forbearance of the States to assert their right of jurisdiction over them, that they had surrendered this portion of their sovereignty, and that its assumption now is usurpation, is conceding too much to the necessity which dictated those treaties, and doing violence to the principles of the Government and the rights of the States without benefiting in the least degree the Indians. The Indians thus situated can not be regarded in any other light than as members of a foreign government or of that of the State within whose chartered limits they reside. If in the former, the ordinary legislation of Congress in relation to them is not warranted by the Constitution, which was established for the benefit of our own, not of a foreign people. If in the latter, then, like other citizens or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine and to require the Executive to enforce it by the employment of a military force would be to place in his hands a power to make war upon the rights of the States and the liberties of the country—a power which should be placed in the hands of no individual.

If, indeed, the Indians are to be regarded as people possessing rights which they can exercise independently of the States, much error has arisen in the intercourse of the Government with them. Why is it that they have been called upon to assist in our wars without the privilege of exercising their own discretion? If an independent people, they should as such be consulted and advised with; but they have not been. In an order which was issued to me from the War Department in September, 1814, this language is employed:

> All the friendly Indians should be organized and prepared to cooperate with your other forces. There appears to be some dissatisfaction among the Choctaws; their friendship and services should be secured without delay. The friendly Indians must be fed and paid, and *made to fight when* and *where their services may be required.*

To an independent and foreign people this would seem to be assuming, I should suppose, rather too lofty a tone—one which the Government would not have assumed if they had considered them in that light. Again, by the Constitution the power of declaring war belongs exclusively to Congress. We have been often engaged in war with the Indian tribes within our limits, but when have these hostilities been preceded or accompanied by an act of Congress declaring war against the tribe which was the object of them? And was the prosecution of such hostilities an usurpation in each case by the Executive which conducted them of the constitutional power of Congress? It must have been so, I apprehend, if these tribes are to be considered as foreign and independent nations.

The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government, and became the subject of special legislation in 1802, with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina, who has uniformly regulated the Indians within her limits without the aid of the General Government, they have been felt within all the States of the South without being understood to affect their rights or prevent the exercise of their jurisdiction, whenever they were in a situation to assume and enforce it. Georgia, though materially concerned, has on this principle forborne to spread her legislation farther than the settlements of her own white citizens, until she has recently perceived within her limits a people claiming to be capable of self-government, sitting in legislative council, organizing courts and administering justice. To disarm such an anomalous invasion of her sovereignty she has declared her determination to execute her own laws throughout her limits—a step which seems to have been anticipated by the proclamation of 1783, and which is perfectly consistent with the nineteenth section of the act of 1802. According to the language and reasoning of that section, the tribes to the South and the Southwest are not only "surrounded by settlements of the citizens of the United States,"

but are now also "within the ordinary jurisdiction of the individual States." They became so from the moment the laws of the State were extended over them, and the same result follows the similar determination of Alabama and Mississippi. These States have each a right to claim in behalf of their position now on this question the same respect which is conceded to the other States of the Union.

Toward this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests are less favorable to them than those which oppose their emigration to the West. Years since I stated to them my belief that if the States chose to extend their laws over them it would not be in the power of the Federal Government to prevent it. My opinion remains the same, and I can see no alternative for them but that of their removal to the West or a quiet submission to the State laws. If they prefer to remove, the United States agree to defray their expenses, to supply them the means of transportation and a year's support after they reach their new homes—a provision too liberal and kind to deserve the stamp of injustice. Either course promises them peace and happiness, whilst an obstinate perseverance in the effort to maintain their possessions independent of the State authority can not fail to render their condition still more helpless and miserable. Such an effort ought, therefore, to be discountenanced by all who sincerely sympathize in the fortunes of this peculiar people, and especially by the political bodies of the Union, as calculated to disturb the harmony of the two Governments and to endanger the safety of the many blessings which they enable us to enjoy.

As connected with the subject of this inquiry, I beg leave to refer to the accompanying letter from the Secretary of War, inclosing the orders which proceeded from that Department, and a letter from the governor of Georgia.

ANDREW JACKSON.

WASHINGTON, *February 26, 1831.*

To the Senate of the United States:

The inclosed report* of the Secretary of War is herewith inclosed in answer to the resolution of the Senate of yesterday's date.

ANDREW JACKSON.

To the Senate of the United States:

I present for the consideration of the Senate articles of agreement entered into and concluded by commissioners duly appointed on the part of the United States and the chiefs of the Menominee tribe of Indians at Green Bay. Various attempts were made to reconcile the conflicting interests of the New York Indians, but without success, as will appear

*Relative to the expenditure of appropriations for improving the Ohio and Mississippi rivers.

by the report made by the Secretary of War. No stipulation in their favor could be introduced into the agreement without the consent of the Menominees, and that consent could not be obtained to any greater extent than the articles show.

Congress only is competent now to adjust and arrange these differences and satisfy the demands of the New York Indians. The whole matter is respectfully submitted.

ANDREW JACKSON.

FEBRUARY 28, 1831.

To the Senate of the United States:

I submit to the consideration of the Senate of the United States articles of agreement and convention concluded this day between the United States, by a commissioner duly authorized, and the Seneca tribe of Indians resident in the State of Ohio.

ANDREW JACKSON.

FEBRUARY 28, 1831.

FEBRUARY 28, 1831.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

I lay before the House of Representatives a treaty recently concluded with the Choctaw tribe of Indians, that provision may be made for carrying the same into effect agreeably to the estimate heretofore presented by the Secretary of War to the Committee of Ways and Means. It is a printed copy as it passed the Senate, no amendment having been made except to strike out the preamble. I also communicate a letter from the Secretary of War on this subject.

ANDREW JACKSON.

MARCH 1, 1831.

To the Senate of the United States:

I transmit herewith, for the use of the Senate, printed copies of the treaties which have been lately ratified between the United States and the Choctaw Indians and between the United States and the confederated tribes of the Sacs and Foxes and other tribes.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON, *March 2, 1831.*

To the Senate and House of Representatives of the United States:

I communicate to Congress a treaty of commerce and navigation between the United States and the Emperor of Austria, concluded in this city on the 28th March, 1830, the ratifications of which were exchanged on the 10th of February last.

ANDREW JACKSON.

MARCH 2, 1831.

To the Senate of the United States:

John H. Clack, a master commandant in the Navy of the United States, having rank as such from the 24th April, 1828, was on the sentence of a court-martial, which was approved by me, ordered to be dismissed from the service. On a reexamination of the record of the trial I am satisfied that the proceeding was illegal in substance, and therefore that the sentence was void.

To restore the party to the rights of which he was deprived by the enforcement of a sentence which was in law erroneous and void, I nominate the said John H. Clack to be a master commandant in the Navy of the United States, to take rank as such from the 24th April, 1828.

ANDREW JACKSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas information has been transmitted to the President of the United States by the governor of the Territory of Arkansas that certain persons pretending to act under the authority of the Mexican Government, and without any lawful right or power derived from that of the United States, have attempted to and do survey, for sale and settlement, a portion of the public lands in said Territory, and particularly in the counties of Lafayette, Sevier, and Miller, and have presumed to and do administer to the citizens residing in said counties the oath of allegiance to the said Mexican Government; and

Whereas such acts and practices are contrary to the law of the land and the provisions of the act of Congress approved the 3d day of March, A. D. 1807, and are offenses against the peace and public tranquillity of the said Territory and the inhabitants thereof:

Now, therefore, be it known that I, Andrew Jackson, President of the United States, by virtue of the power and authority vested in me in and by the said act of Congress, do issue this my proclamation, commanding and strictly enjoining all persons who have unlawfully entered upon, taken possession of, or made any settlement on the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be in the unlawful occupation or possession of the same, or any part thereof, forthwith to depart and remove therefrom; and I do hereby command and require the marshal of the said Territory of Arkansas, or other officer or officers acting as such marshal, from and after the 15th day of April next to

remove or cause to be removed all persons who may then unlawfully be upon, in possession of, or who may unlawfully occupy any of the public lands in the said counties of Lafayette, Sevier, or Miller, or who may be surveying or attempting to survey the same without any authority therefor from the Government of the United States; and to execute and carry into effect this proclamation I do hereby authorize the employment of such military force as may be necessary pursuant to the act of Congress aforesaid, and warn all offenders in the premises that they will be prosecuted and punished in such other way and manner as may be consistent with the provisions and requisitions of the law in such case made and provided.

Done at the city of Washington, this 10th day of February, A. D. 1831, and of the Independence of the United States of America the fifty-fifth.

ANDREW JACKSON.

By the President.

EXECUTIVE ORDER.

WASHINGTON, *August 6, 1831.*

ACTING SECRETARY OF WAR.

SIR: You will, after the receipt of this, report to the President for dismissal every clerk in your office who shall avail himself of the benefit of the insolvent debtors' act for debts contracted during my Administration.

Very respectfully,

ANDREW JACKSON.

[The same order was addressed to the Secretary of the Navy.]

THIRD ANNUAL MESSAGE.

DECEMBER 6, 1831.

Fellow-Citizens of the Senate and House of Representatives:

The representation of the people has been renewed for the twenty-second time since the Constitution they formed has been in force. For near half a century the Chief Magistrates who have been successively chosen have made their annual communications of the state of the nation to its representatives. Generally these communications have been of the most gratifying nature, testifying an advance in all the improvements of social and all the securities of political life. But frequently and justly as you have been called on to be grateful for the bounties of Providence,

BUREAU OF ENGRAVING AND PRINTING (New Building).—This is a manufacturing bureau of the Treasury Department. Here are printed postage and revenue stamps, paper money, government bonds, military, naval and diplomatic commissions, passports, etc.

Bureau of Engraving and Printing

at few periods have they been more abundantly or extensively bestowed than at the present; rarely, if ever, have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country.

Agriculture, the first and most important occupation of man, has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country. Manufactures have been established in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous mechanics. The laborer is rewarded by high wages in the construction of works of internal improvement, which are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man and making each new conquest auxiliary to his comfort. By our mails, whose speed is regularly increased and whose routes are every year extended, the communication of public intelligence and private business is rendered frequent and safe; the intercourse between distant cities, which it formerly required weeks to accomplish, is now effected in a few days; and in the construction of railroads and the application of steam power we have a reasonable prospect that the extreme parts of our country will be so much approximated and those most isolated by the obstacles of nature rendered so accessible as to remove an apprehension sometimes entertained that the great extent of the Union would endanger its permanent existence.

If from the satisfactory view of our agriculture, manufactures, and internal improvements we turn to the state of our navigation and trade with foreign nations and between the States, we shall scarcely find less cause for gratulation. A beneficent Providence has provided for their exercise and encouragement an extensive coast, indented by capacious bays, noble rivers, inland seas; with a country productive of every material for shipbuilding and every commodity for gainful commerce, and filled with a population active, intelligent, well-informed, and fearless of danger. These advantages are not neglected, and an impulse has lately been given to commercial enterprise, which fills our shipyards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels, and covers the most distant seas with our canvas.

Let us be grateful for these blessings to the beneficent Being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, while we neglect not the means by which they may be preserved. If we may dare to judge of His future designs by the manner in which His past favors have been bestowed, He has made our national prosperity to depend on the preservation of our liberties, our national force on our Federal Union, and our individual

happiness on the maintenance of our State rights and wise institutions. If we are prosperous at home and respected abroad, it is because we are free, united, industrious, and obedient to the laws. While we continue so we shall by the blessing of Heaven go on in the happy career we have begun, and which has brought us in the short period of our political existence from a population of three to thirteen millions; from thirteen separate colonies to twenty-four united States; from weakness to strength; from a rank scarcely marked in the scale of nations to a high place in their respect.

This last advantage is one that has resulted in a great degree from the principles which have guided our intercourse with foreign powers since we have assumed an equal station among them, and hence the annual account which the Executive renders to the country of the manner in which that branch of his duties has been fulfilled proves instructive and salutary.

The pacific and wise policy of our Government kept us in a state of neutrality during the wars that have at different periods since our political existence been carried on by other powers; but this policy, while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from the belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal had all in a greater or less degree infringed our neutral rights. Demands for reparation were made upon all. They have had in all, and continue to have in some, cases a leading influence on the nature of our relations with the powers on whom they were made.

Of the claims upon England it is unnecessary to speak further than to say that the state of things to which their prosecution and denial gave rise has been succeeded by arrangements productive of mutual good feeling and amicable relations between the two countries, which it is hoped will not be interrupted. One of these arrangements is that relating to the colonial trade which was communicated to Congress at the last session; and although the short period during which it has been in force will not enable me to form an accurate judgment of its operation, there is every reason to believe that it will prove highly beneficial. The trade thereby authorized has employed to the 30th September last upward of 30,000 tons of American and 15,000 tons of foreign shipping in the outward voyages, and in the inward nearly an equal amount of American and 20,000 only of foreign tonnage. Advantages, too, have resulted to our agricultural interests from the state of the trade between Canada and our Territories and States bordering on the St. Lawrence and the Lakes which may prove more than equivalent to the loss sustained by the discrimination made to favor the trade of the northern colonies with the West Indies.

After our transition from the state of colonies to that of an independent

nation many points were found necessary to be settled between us and Great Britain. Among them was the demarcation of boundaries not described with sufficient precision in the treaty of peace. Some of the lines that divide the States and Territories of the United States from the British Provinces have been definitively fixed. That, however, which separates us from the Provinces of Canada and New Brunswick to the north and the east was still in dispute when I came into office, but I found arrangements made for its settlement over which I had no control. The commissioners who had been appointed under the provisions of the treaty of Ghent having been unable to agree, a convention was made with Great Britain by my immediate predecessor in office, with the advice and consent of the Senate, by which it was agreed "that the points of difference which have arisen in the settlement of the boundary line between the American and British dominions, as described in the fifth article of the treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or State, who shall be invited to investigate and make a decision upon such points of difference;" and the King of the Netherlands having by the late President and His Britannic Majesty been designated as such friendly sovereign, it became my duty to carry with good faith the agreement so made into full effect. To this end I caused all the measures to be taken which were necessary to a full exposition of our case to the sovereign arbiter, and nominated as minister plenipotentiary to his Court a distinguished citizen of the State most interested in the question, and who had been one of the agents previously employed for settling the controversy. On the 10th day of January last His Majesty the King of the Netherlands delivered to the plenipotentiaries of the United States and of Great Britain his written opinion on the case referred to him. The papers in relation to the subject will be communicated by a special message to the proper branch of the Government with the perfect confidence that its wisdom will adopt such measures as will secure an amicable settlement of the controversy without infringing any constitutional right of the States immediately interested.

It affords me satisfaction to inform you that suggestions made by my direction to the chargé d'affaires of His Britannic Majesty to this Government have had their desired effect in producing the release of certain American citizens who were imprisoned for setting up the authority of the State of Maine at a place in the disputed territory under the actual jurisdiction of His Britannic Majesty. From this and the assurances I have received of the desire of the local authorities to avoid any cause of collision I have the best hopes that a good understanding will be kept up until it is confirmed by the final disposition of the subject.

The amicable relations which now subsist between the United States and Great Britain, the increasing intercourse between their citizens, and the rapid obliteration of unfriendly prejudices to which former events naturally gave rise concurred to present this as a fit period for renewing

our endeavors to provide against the recurrence of causes of irritation which in the event of war between Great Britain and any other power would inevitably endanger our peace. Animated by the sincerest desire to avoid such a state of things, and peacefully to secure under all possible circumstances the rights and honor of the country, I have given such instructions to the minister lately sent to the Court of London as will evince that desire, and if met by a correspondent disposition, which we can not doubt, will put an end to causes of collision which, without advantage to either, tend to estrange from each other two nations who have every motive to preserve not only peace, but an intercourse of the most amicable nature.

In my message at the opening of the last session of Congress I expressed a confident hope that the justice of our claims upon France, urged as they were with perseverance and signal ability by our minister there, would finally be acknowledged. This hope has been realized. A treaty has been signed which will immediately be laid before the Senate for its approbation, and which, containing stipulations that require legislative acts, must have the concurrence of both Houses before it can be carried into effect. By it the French Government engage to pay a sum which, if not quite equal to that which may be found due to our citizens, will yet, it is believed, under all circumstances, be deemed satisfactory by those interested. The offer of a gross sum instead of the satisfaction of each individual claim was accepted because the only alternatives were a rigorous exaction of the whole amount stated to be due on each claim, which might in some instances be exaggerated by design, in others overrated through error, and which, therefore, it would have been both ungracious and unjust to have insisted on; or a settlement by a mixed commission, to which the French negotiators were very averse, and which experience in other cases had shewn to be dilatory and often wholly inadequate to the end. A comparatively small sum is stipulated on our part to go to the extinction of all claims by French citizens on our Government, and a reduction of duties on our cotton and their wines has been agreed on as a consideration for the renunciation of an important claim for commercial privileges under the construction they gave to the treaty for the cession of Louisiana.

Should this treaty receive the proper sanction, a source of irritation will be stopped that has for so many years in some degree alienated from each other two nations who, from interest as well as the remembrance of early associations, ought to cherish the most friendly relations; an encouragement will be given for perseverance in the demands of justice by this new proof that if steadily pursued they will be listened to, and admonition will be offered to those powers, if any, which may be inclined to evade them that they will never be abandoned; above all, a just confidence will be inspired in our fellow-citizens that their Government will exert all the powers with which they have invested it in support of their just claims upon foreign nations; at the same time that the frank acknowledgment

and provision for the payment of those which were addressed to our equity, although unsupported by legal proof, affords a practical illustration of our submission to the divine rule of doing to others what we desire they should do unto us.

Sweden and Denmark having made compensation for the irregularities committed by their vessels or in their ports to the perfect satisfaction of the parties concerned, and having renewed the treaties of commerce entered into with them, our political and commercial relations with those powers continue to be on the most friendly footing.

With Spain our differences up to the 22d of February, 1819, were settled by the treaty of Washington of that date, but at a subsequent period our commerce with the States formerly colonies of Spain on the continent of America was annoyed and frequently interrupted by her public and private armed ships. They captured many of our vessels prosecuting a lawful commerce and sold them and their cargoes, and at one time to our demands for restoration and indemnity opposed the allegation that they were taken in the violation of a blockade of all the ports of those States. This blockade was declaratory only, and the inadequacy of the force to maintain it was so manifest that this allegation was varied to a charge of trade in contraband of war. This, in its turn, was also found untenable, and the minister whom I sent with instructions to press for the reparation that was due to our injured fellow-citizens has transmitted an answer to his demand by which the captures are declared to have been legal, and are justified because the independence of the States of America never having been acknowledged by Spain she had a right to prohibit trade with them under her old colonial laws. This ground of defense was contradictory, not only to those which had been formerly alleged, but to the uniform practice and established laws of nations, and had been abandoned by Spain herself in the convention which granted indemnity to British subjects for captures made at the same time, under the same circumstances, and for the same allegations with those of which we complain.

I, however, indulge the hope that further reflection will lead to other views, and feel confident that when His Catholic Majesty shall be convinced of the justice of the claims his desire to preserve friendly relations between the two countries, which it is my earnest endeavor to maintain, will induce him to accede to our demand. I have therefore dispatched a special messenger with instructions to our minister to bring the case once more to his consideration, to the end that if (which I can not bring myself to believe) the same decision (that can not but be deemed an unfriendly denial of justice) should be persisted in the matter may before your adjournment be laid before you, the constitutional judges of what is proper to be done when negotiation for redress of injury fails.

The conclusion of a treaty for indemnity with France seemed to present a favorable opportunity to renew our claims of a similar nature on

other powers, and particularly in the case of those upon Naples, more especially as in the course of former negotiations with that power our failure to induce France to render us justice was used as an argument against us. The desires of the merchants, who were the principal sufferers, have therefore been acceded to, and a mission has been instituted for the special purpose of obtaining for them a reparation already too long delayed. This measure having been resolved on, it was put in execution without waiting for the meeting of Congress, because the state of Europe created an apprehension of events that might have rendered our application ineffectual.

Our demands upon the Government of the Two Sicilies are of a peculiar nature. The injuries on which they are founded are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated attempted to be extenuated. The sole ground on which indemnity has been refused is the alleged illegality of the tenure by which the monarch who made the seizures held his crown. This defense, always unfounded in any principle of the law of nations, now universally abandoned, even by those powers upon whom the responsibility for acts of past rulers bore the most heavily, will unquestionably be given up by His Sicilian Majesty, whose counsels will receive an impulse from that high sense of honor and regard to justice which are said to characterize him; and I feel the fullest confidence that the talents of the citizen commissioned for that purpose will place before him the just claims of our injured citizens in such a light as will enable me before your adjournment to announce that they have been adjusted and secured. Precise instructions to the effect of bringing the negotiation to a speedy issue have been given, and will be obeyed.

In the late blockade of Terceira some of the Portuguese fleet captured several of our vessels and committed other excesses, for which reparation was demanded, and I was on the point of dispatching an armed force to prevent any recurrence of a similar violence and protect our citizens in the prosecution of their lawful commerce when official assurances, on which I relied, made the sailing of the ships unnecessary. Since that period frequent promises have been made that full indemnity shall be given for the injuries inflicted and the losses sustained. In the performance there has been some, perhaps unavoidable, delay; but I have the fullest confidence that my earnest desire that this business may at once be closed, which our minister has been instructed strongly to express, will very soon be gratified. I have the better ground for this hope from the evidence of a friendly disposition which that Government has shown by an actual reduction in the duty on rice the produce of our Southern States, authorizing the anticipation that this important article of our export will soon be admitted on the same footing with that produced by the most favored nation.

With the other powers of Europe we have fortunately had no cause of

discussions for the redress of injuries. With the Empire of the Russias our political connection is of the most friendly and our commercial of the most liberal kind. We enjoy the advantages of navigation and trade given to the most favored nation, but it has not yet suited their policy, or perhaps has not been found convenient from other considerations, to give stability and reciprocity to those privileges by a commercial treaty. The ill health of the minister last year charged with making a proposition for that arrangement did not permit him to remain at St. Petersburg, and the attention of that Government during the whole of the period since his departure having been occupied by the war in which it was engaged, we have been assured that nothing could have been effected by his presence. A minister will soon be nominated, as well to effect this important object as to keep up the relations of amity and good understanding of which we have received so many assurances and proofs from His Imperial Majesty and the Emperor his predecessor.

The treaty with Austria is opening to us an important trade with the hereditary dominions of the Emperor, the value of which has been hitherto little known, and of course not sufficiently appreciated. While our commerce finds an entrance into the south of Germany by means of this treaty, those we have formed with the Hanseatic towns and Prussia and others now in negotiation will open that vast country to the enterprising spirit of our merchants on the north—a country abounding in all the materials for a mutually beneficial commerce, filled with enlightened and industrious inhabitants, holding an important place in the politics of Europe, and to which we owe so many valuable citizens. The ratification of the treaty with the Porte was sent to be exchanged by the gentleman appointed our chargé d'affaires to that Court. Some difficulties occurred on his arrival, but at the date of his last official dispatch he supposed they had been obviated and that there was every prospect of the exchange being speedily effected.

This finishes the connected view I have thought it proper to give of our political and commercial relations in Europe. Every effort in my power will be continued to strengthen and extend them by treaties founded on principles of the most perfect reciprocity of interest, neither asking nor conceding any exclusive advantage, but liberating as far as it lies in my power the activity and industry of our fellow-citizens from the shackles which foreign restrictions may impose.

To China and the East Indies our commerce continues in its usual extent, and with increased facilities which the credit and capital of our merchants afford by substituting bills for payments in specie. A daring outrage having been committed in those seas by the plunder of one of our merchantmen engaged in the pepper trade at a port in Sumatra, and the piratical perpetrators belonging to tribes in such a state of society that the usual course of proceedings between civilized nations could not be pursued, I forthwith dispatched a frigate with orders to require immediate satisfaction for the injury and indemnity to the sufferers.

Few changes have taken place in our connections with the independent States of America since my last communication to Congress. The ratification of a commercial treaty with the United Republics of Mexico has been for some time under deliberation in their Congress, but was still undecided at the date of our last dispatches. The unhappy civil commotions that have prevailed there were undoubtedly the cause of the delay, but as the Government is now said to be tranquillized we may hope soon to receive the ratification of the treaty and an arrangement for the demarcation of the boundaries between us. In the meantime, an important trade has been opened with mutual benefit from St. Louis, in the State of Missouri, by caravans to the interior Provinces of Mexico. This commerce is protected in its progress through the Indian countries by the troops of the United States, which have been permitted to escort the caravans beyond our boundaries to the settled part of the Mexican territory.

From Central America I have received assurances of the most friendly kind and a gratifying application for our good offices to remove a supposed indisposition toward that Government in a neighboring State. This application was immediately and successfully complied with. They gave us also the pleasing intelligence that differences which had prevailed in their internal affairs had been peaceably adjusted. Our treaty with this Republic continues to be faithfully observed, and promises a great and beneficial commerce between the two countries—a commerce of the greatest importance if the magnificent project of a ship canal through the dominions of that State from the Atlantic to the Pacific Ocean, now in serious contemplation, shall be executed.

I have great satisfaction in communicating the success which has attended the exertions of our minister in Colombia to procure a very considerable reduction in the duties on our flour in that Republic. Indemnity also has been stipulated for injuries received by our merchants from illegal seizures, and renewed assurances are given that the treaty between the two countries shall be faithfully observed.

Chili and Peru seem to be still threatened with civil commotions, and until they shall be settled disorders may naturally be apprehended, requiring the constant presence of a naval force in the Pacific Ocean to protect our fisheries and guard our commerce.

The disturbances that took place in the Empire of Brazil previously to and immediately consequent upon the abdication of the late Emperor necessarily suspended any effectual application for the redress of some past injuries suffered by our citizens from that Government, while they have been the cause of others, in which all foreigners seem to have participated. Instructions have been given to our minister there to press for indemnity due for losses occasioned by these irregularities, and to take care that our fellow-citizens shall enjoy all the privileges stipulated in their favor by the treaty lately made between the two powers, all

which the good intelligence that prevails between our minister at Rio Janeiro and the Regency gives us the best reason to expect.

I should have placed Buenos Ayres in the list of South American powers in respect to which nothing of importance affecting us was to be communicated but for occurrences which have lately taken place at the Falkland Islands, in which the name of that Republic has been used to cover with a show of authority acts injurious to our commerce and to the property and liberty of our fellow-citizens. In the course of the present year one of our vessels, engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Ayres. I have therefore given orders for the dispatch of an armed vessel to join our squadron in those seas and aid in affording all lawful protection to our trade which shall be necessary, and shall without delay send a minister to inquire into the nature of the circumstances and also of the claim, if any, that is set up by that Government to those islands. In the meantime, I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and means as they may deem necessary for providing a force adequate to the complete protection of our fellow-citizens fishing and trading in those seas.

This rapid sketch of our foreign relations, it is hoped, fellow-citizens, may be of some use in so much of your legislation as may bear on that important subject, while it affords to the country at large a source of high gratification in the contemplation of our political and commercial connection with the rest of the world. At peace with all; having subjects of future difference with few, and those susceptible of easy adjustment; extending our commerce gradually on all sides and on none by any but the most liberal and mutually beneficial means, we may, by the blessing of Providence, hope for all that national prosperity which can be derived from an intercourse with foreign nations, guided by those eternal principles of justice and reciprocal good will which are binding as well upon States as the individuals of whom they are composed.

I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in other governments is usually concealed from the people. Having none but a straightforward, open course to pursue, guided by a single principle that will bear the strongest light, we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult, and in subjecting all we have done to the consideration of our citizens and to the inspection of the world we give no advantage to other nations and lay ourselves open to no injury.

It may not be improper to add that to preserve this state of things and give confidence to the world in the integrity of our designs all our consular and diplomatic agents are strictly enjoined to examine well

every cause of complaint preferred by our citizens, and while they urge with proper earnestness those that are well founded, to countenance none that are unreasonable or unjust, and to enjoin on our merchants and navigators the strictest obedience to the laws of the countries to which they resort, and a course of conduct in their dealings that may support the character of our nation and render us respected abroad.

Connected with this subject, I must recommend a revisal of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your further information on this subject I have directed a report to be made by the Secretary of State, which I shall hereafter submit to your consideration.

The internal peace and security of our confederated States is the next principal object of the General Government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace and injurious to himself. In accordance with my recommendation at a former session of Congress, an appropriation of half a million of dollars was made to aid the voluntary removal of the various tribes beyond the limits of the States. At the last session I had the happiness to announce that the Chickasaws and Choctaws had accepted the generous offer of the Government and agreed to remove beyond the Mississippi River, by which the whole of the State of Mississippi and the western part of Alabama will be freed from Indian occupancy and opened to a civilized population. The treaties with these tribes are in a course of execution, and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one-half, if not two-thirds, of that tribe will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the General Government.

During the present year the attention of the Government has been particularly directed to those tribes in the powerful and growing State of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties, either absolute or conditional, have been made extinguishing the whole Indian title to the reservations in that State, and the time is not distant, it is hoped, when Ohio will be no longer embarrassed with the Indian population. The same measures will be extended to Indiana as soon as there is reason to anticipate success. It is confidently believed that perseverance for a few years in the present policy of the Government will extinguish the Indian title to all lands lying within the States composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws. Thus will all conflicting claims to jurisdiction between the States

and the Indian tribes be put to rest. It is pleasing to reflect that results so beneficial, not only to the States immediately concerned, but to the harmony of the Union, will have been accomplished by measures equally advantageous to the Indians. What the native savages become when surrounded by a dense population and by mixing with the whites may be seen in the miserable remnants of a few Eastern tribes, deprived of political and civil rights, forbidden to make contracts, and subjected to guardians, dragging out a wretched existence, without excitement, without hope, and almost without thought.

But the removal of the Indians beyond the limits and jurisdiction of the States does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whom philanthropy or religion may induce to live among them in their new abode will be more free in the exercise of their benevolent functions than if they had remained within the limits of the States, embarrassed by their internal regulations. Now subject to no control but the superintending agency of the General Government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from barbarism to the habits and enjoyments of civilized life.

Among the happiest effects of the improved relations of our Republic has been an increase of trade, producing a corresponding increase of revenue beyond the most sanguine anticipations of the Treasury Department.

The state of the public finances will be fully shown by the Secretary of the Treasury in the report which he will presently lay before you. I will here, however, congratulate you upon their prosperous condition. The revenue received in the present year will not fall short of $27,700,000, and the expenditures for all objects other than the public debt will not exceed $14,700,000. The payment on account of the principal and interest of the debt during the year will exceed $16,500,000, a greater sum than has been applied to that object out of the revenue in any year since the enlargement of the sinking fund except the two years following immediately thereafter. The amount which will have been applied to the public debt from the 4th of March, 1829, to the 1st of January next, which is less than three years since the Administration has been placed in my hands, will exceed $40,000,000.

From the large importations of the present year it may be safely estimated that the revenue which will be received into the Treasury from that source during the next year, with the aid of that received from the public lands, will considerably exceed the amount of the receipts of the present year; and it is believed that with the means which the Government will have at its disposal from various sources, which will be fully stated by the proper Department, the whole of the public debt may be extinguished, either by redemption or purchase, within the four years of

my Administration. We shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt.

The confidence with which the extinguishment of the public debt may be anticipated presents an opportunity for carrying into effect more fully the policy in relation to import duties which has been recommended in my former messages. A modification of the tariff which shall produce a reduction of our revenue to the wants of the Government and an adjustment of the duties on imports with a view to equal justice in relation to all our national interests and to the counteraction of foreign policy so far as it may be injurious to those interests, is deemed to be one of the principal objects which demand the consideration of the present Congress. Justice to the interests of the merchant as well as the manufacturer requires that material reductions in the import duties be prospective; and unless the present Congress shall dispose of the subject the proposed reductions can not properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is therefore desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation after the extinguishment of the public debt. In the exercise of that spirit of concession and conciliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest.

In my annual message of December, 1829, I had the honor to recommend the adoption of a more liberal policy than that which then prevailed toward unfortunate debtors to the Government, and I deem it my duty again to invite your attention to this subject.

Actuated by similar views, Congress at their last session passed an act for the relief of certain insolvent debtors of the United States, but the provisions of that law have not been deemed such as were adequate to that relief to this unfortunate class of our fellow-citizens which may be safely extended to them. The points in which the law appears to be defective will be particularly communicated by the Secretary of the Treasury, and I take pleasure in recommending such an extension of its provisions as will unfetter the enterprise of a valuable portion of our citizens and restore to them the means of usefulness to themselves and the community. While deliberating on this subject I would also recommend to your consideration the propriety of so modifying the laws for enforcing the payment of debts due either to the public or to individuals suing in the courts of the United States as to restrict the imprisonment of the person to cases of fraudulent concealment of property. The personal liberty of the citizen seems too sacred to be held, as in many cases it now is, at the will of a creditor to whom he is willing to surrender all the means he has of discharging his debt.

The reports from the Secretaries of the War and Navy Departments

and from the Postmaster-General, which accompany this message, present satisfactory views of the operations of the Departments respectively under their charge, and suggest improvements which are worthy of and to which I invite the serious attention of Congress. Certain defects and omissions having been discovered in the operation of the laws respecting patents, they are pointed out in the accompanying report from the Secretary of State.

I have heretofore recommended amendments of the Federal Constitution giving the election of President and Vice-President to the people and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law that I can not, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the disqualification of members of Congress to receive an office from a President in whose election they have had an official agency, which I proposed as a substitute, I refer you to my former messages.

Our system of public accounts is extremely complicated, and it is believed may be much improved. Much of the present machinery and a considerable portion of the expenditure of public money may be dispensed with, while greater facilities can be afforded to the liquidation of claims upon the Government and an examination into their justice and legality quite as efficient as the present secured. With a view to a general reform in the system, I recommend the subject to the attention of Congress.

I deem it my duty again to call your attention to the condition of the District of Columbia. It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government, but to accomplish the objects they had in view it is not necessary that this people should be deprived of all the privileges of self-government. Independently of the difficulty of inducing the representatives of distant States to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually, nor in Congress collectively, well qualified to legislate over the local concerns of this District. Consequently its interests are much neglected, and the people are almost afraid to present their grievances, lest a body in which they are not represented and which feels little sympathy in their local relations should in its attempt to make laws for them do more harm than good. Governed by the laws of the States whence they were severed, the two shores of the Potomac within the 10 miles square have different penal codes—not the present codes of Virginia and Maryland, but such as existed in those States at the time of the cession to the United States. As Congress will not form a new code, and as the people of the District can not make one for themselves, they are virtually under two governments. Is it not just to allow them at least a

Delegate in Congress, if not a local legislature, to make laws for the District, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every political right which their interests require and which may be compatible with the Constitution.

The extension of the judiciary system of the United States is deemed to be one of the duties of Government. One-fourth of the States in the Union do not participate in the benefits of a circuit court. To the States of Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, admitted into the Union since the present judicial system was organized, only a district court has been allowed. If this be sufficient, then the circuit courts already existing in eighteen States ought to be abolished; if it be not sufficient, the defect ought to be remedied, and these States placed on the same footing with the other members of the Union. It was on this condition and on this footing that they entered the Union, and they may demand circuit courts as a matter not of concession, but of right. I trust that Congress will not adjourn leaving this anomaly in our system.

Entertaining the opinions heretofore expressed in relation to the Bank of the United States as at present organized, I felt it my duty in my former messages frankly to disclose them, in order that the attention of the Legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the Constitution and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives.

In conclusion permit me to invoke that Power which superintends all governments to infuse into your deliberations at this important crisis of our history a spirit of mutual forbearance and conciliation. In that spirit was our Union formed, and in that spirit must it be preserved.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1831.*

To the Senate of the United States:

I transmit to the Senate, for their advice with regard to its ratification, a treaty between the United States and France, signed at Paris by the plenipotentiaries of the two Governments on the 4th of July, 1831.

With the treaty are also transmitted the dispatch which accompanied it, and two others on the same subject received since.

ANDREW JACKSON.

DECEMBER 7, 1831.

Gentlemen of the Senate:

In my public message to both Houses of Congress I communicated the state in which I had found the controverted claims of Great Britain and the United States in relation to our northern and eastern boundary, and the measures which since my coming into office I had pursued to bring it to a close, together with the fact that on the 10th day of January last the sovereign arbiter had delivered his opinion to the plenipotentiaries of the United States and Great Britain.

I now transmit to you that opinion for your consideration, that you may determine whether you will advise submission to the opinion delivered by the sovereign arbiter and consent to its execution.

That you may the better be enabled to judge of the obligation as well as the expediency of submitting to or rejecting the decision of the arbiter, I herewith transmit—

1. A protest made by the minister plenipotentiary of the United States after receiving the opinion of the King of the Netherlands, on which paper it may be necessary to remark that I had always determined, whatever might have been the result of the examination by the sovereign arbiter, to have submitted the same to the Senate for their advice before I executed or rejected it. Therefore no instructions were given to the ministers to do any act that should commit the Government as to the course it might deem proper to pursue on a full consideration of all the circumstances of the case.

2. The dispatches from our minister at The Hague accompanying the protest, as well as those previous and subsequent thereto, in relation to the subject of the submission.

3. Communications between the Department of State and the governor of the State of Maine in relation to this subject.

4. Correspondence between the chargé d'affaires of His Britannic Majesty and the Department of State in relation to the arrest of certain persons at Madawasca under the authority of the British Government at New Brunswick.

It is proper to add that in addition to the evidence derived from Mr. Preble's dispatches of the inclination of the British Government to abide by the award, assurances to the same effect have been uniformly made to our minister at London, and that an official communication on that subject may very soon be expected.

ANDREW JACKSON.

WASHINGTON CITY, *December 7, 1831.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, two letters from the Secretary of State, accompanied by statements from that Department

showing the progress which has been made in taking the Fifth Census of the inhabitants of the United States, and also by a printed copy of the revision of the statements heretofore transmitted to Congress of all former enumerations of the population of the United States and their Territories.

ANDREW JACKSON.

WASHINGTON, *December 13, 1831.*

To the Senate and House of Representatives of the United States:

The accompanying papers show the situation of extreme peril from which more than sixty of our fellow-citizens have been rescued by the courage and humanity of the master and crew of a Spanish brig. As no property was saved, there were no means of making pecuniary satisfaction for the risk and loss incurred in performing this humane and meritorious service. Believing, therefore, that the obligation devolved upon the nation, but having no funds at my disposal which I could think constitutionally applicable to the case, I have thought honor as well as justice required that the facts should be submitted to the consideration of Congress, in order that they might provide not only a just indemnity for the losses incurred, but some compensation adequate to the merit of the service.

ANDREW JACKSON.

WASHINGTON, *December 13, 1831.*

To the Senate of the United States:

I transmit herewith, in obedience to a resolution of the Senate of the 8th December, 1831, all the information in the possession of the Executive relative to the capture, abduction, and imprisonment of American citizens by the provincial authorities of New Brunswick, and the measures which, in consequence thereof, have been adopted by the Executive of the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, a report of the Secretary of State, respecting tonnage duties levied at Martinique and Guadaloupe on American vessels and on French vessels from those islands to the United States.

ANDREW JACKSON.

WASHINGTON CITY, *December 21, 1831.*

Gentlemen of the Senate:

Since my message of the 7th instant, transmitting the award of the King of the Netherlands, I have received the official communication,

then expected, of the determination of the British Government to abide by the award. This communication is now respectfully laid before you for the purpose of aiding your deliberations on the same subject.

ANDREW JACKSON.

WASHINGTON, *December 29, 1831.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 19th instant, requesting the President of the United States to communicate to it "the correspondence between the governor of Georgia and any Department of this Government, in the years 1830 and 1831, in relation to the boundary line between the State of Georgia and the Territory of Florida," I transmit herewith a communication from the Secretary of State, with copies of the papers referred to. It is proper to add, as the resolutions on this subject from the governor and legislature of Georgia were received after the adjournment of the last Congress, and as that body, after having the same subject under consideration, had failed to authorize the President to take any steps in relation to it, that it was my intention to present it in due time to the attention of the present Congress by special message. This determination has been hastened by the call of the House for the information now communicated, and it only remains for me to await the action of Congress upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 5, 1832.*

To the Senate:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty between the United States and the principal chiefs and warriors of the mixed band of Seneca and Shawnee Indians living on the waters of the Great Miami and within the territorial limits of the county of Logan, in the State of Ohio, entered into on the 30th day of July, 1831; and also a treaty between the United States and the chiefs, headmen, and warriors of the band of Ottaway Indians residing within the State of Ohio, entered into on the 30th of August, 1831.

ANDREW JACKSON.

WASHINGTON, *January 10, 1832.*

To the Senate and House of Representatives:

I herewith transmit a report made by the Secretary of State on the subject of a commercial arrangement with the Republic of Colombia, which requires legislative action to carry it into effect.

ANDREW JACKSON.

WASHINGTON, *January 12, 1832.*

To the Senate of the United States:

I herewith lay before the Senate, for their advice and consent as to the ratification of the same, a treaty made on the 8th of August last with the Shawnee Indians.

ANDREW JACKSON.

WASHINGTON, *January 18, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of State, in answer to the resolution of the Senate of the 3d instant, and accompanied by copies of the instructions and correspondence relative to the late treaty with France, called for by that resolution.

ANDREW JACKSON.

WASHINGTON, *January 20, 1832.*

To the Congress of the United States:

I respectfully invite the attention of Congress to the propriety of compromising the title of the islands on which Fort Delaware stands in the manner pointed out by the accompanying report from the War Department. This subject was presented to Congress during the last session, but for want of time, it is believed, did not receive its action.

ANDREW JACKSON.

WASHINGTON, *January 23, 1832.*

To the House of Representatives:

I herewith transmit to the House of Representatives a copy of a correspondence between the late minister of Great Britain and the late Secretary of State of the United States on the subject of a claim of Cyrenius Hall, a British subject and an inhabitant of Upper Canada, for the loss which he alleges to have sustained in consequence of the imputed seizure of a schooner (his property) by the collector of the customs at Venice, in Sandusky Bay, in the year 1821, and the subsequent neglect of that officer in relation to the said schooner, together with copies of the documents adduced in support of the claim, that such legislative provision may be made in behalf of the claimant as shall appear just and proper in the case.

ANDREW JACKSON.

WASHINGTON, *January 24, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 20th instant, I herewith transmit a report from the Secretary of War,

containing all the information in possession of the Executive required by that resolution.

For the reason assigned by the Secretary in his report I have to request that the abstracts of the Choctaw reservations may be returned to the War Department when the House shall no longer require them.

ANDREW JACKSON.

WASHINGTON, *January 26, 1832.*

To the House of Representatives:

I transmit herewith reports from the Secretaries of the War and Navy Departments, containing the information required by the resolution of the House of the 5th instant, in regard to the expenditures on breakwaters since 1815.

ANDREW JACKSON.

WASHINGTON, *January 27, 1832.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 18th instant, I herewith transmit a report* of the Secretary of State, which, together with the letter of His Britannic Majesty's chargé d'affaires heretofore communicated, demanding the execution of the opinion delivered by the sovereign arbiter, contains all the information requested by the said resolution, omitting nothing that may enable the Senate to give the advice requested by my message of the 7th of December last, on the question of carrying into effect the opinion of the King of the Netherlands.

ANDREW JACKSON.

WASHINGTON CITY, *January 27, 1832.*

To the Senate of the United States:

Since the dismission of Lieutenant Hampton Westcott for participating as second in a duel in March, A. D. 1830, a more particular investigation of the circumstances has resulted in exonerating him from having instigated the fatal meeting, and the said Westcott, on a trial by a jury, has been acquitted of all legal guilt in the transaction.

I therefore nominate the said Hampton Westcott to be a lieutenant in the Navy of the United States from the 17th of May, 1828, his former date, and to take rank next after Richard R. McMullin.

ANDREW JACKSON.

WASHINGTON, *February 3, 1832.*

To the Senate:

In addition to the documents relating to the settlement of the northeastern boundary of the United States now in possession of the Senate, I

*Relating to the northeastern boundary of the United States.

have just received certain proceedings and resolutions of the legislature of the State of Maine on the subject, which are herewith transmitted.

ANDREW JACKSON.

WASHINGTON, *February 6, 1832.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 3d March, 1831, I transmit herewith a report from the Secretary of State on the subject of the regulations of England, France, and the Netherlands respecting their fisheries.

ANDREW JACKSON.

WASHINGTON, *February 7, 1832.*

To the Senate and House of Representatives of the United States:

A convention having been entered into between the United States and the King of the French, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 2d of February, 1832, by the Secretary of State and the envoy extraordinary and minister plenipotentiary of the King of the French, it is now communicated to you for consideration in your legislative capacity.

You will observe that some important conditions can not be carried into execution but with the aid of the Legislature, and that the proper provisions for that purpose seem to be required without delay.

ANDREW JACKSON.

WASHINGTON, *February 7, 1832.*

To the Senate and House of Representatives of the United States:

A treaty of commerce and navigation having been entered into between the United States and the Sublime Porte, it has been ratified with the advice and consent of the Senate; and my ratification having been exchanged in due form on the 5th October, 1831, by our chargé d'affaires at Constantinople and that Government, it is now communicated to both Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith, for the information of the Senate, a report from the Department of War, showing the situation of the country at Green Bay ceded for the benefit of the New York Indians, and also the proceedings of the commissioner, who has lately had a meeting with them.

ANDREW JACKSON.

WASHINGTON, *February 8, 1832.*

To the Senate:

I transmit herewith a report of the Secretary of War, made in compliance with a resolution of the Senate of March 2, 1831, requesting the President of the United States "to cause to be collected and reported to the Senate at the commencement of the next stated session of Congress the most authentic information which can be obtained of the number and names of the American citizens who have been killed or robbed while engaged in the fur trade or the inland trade to Mexico since the late war with Great Britain, the amount of the robberies committed, and at what places and by what tribes; also the number of persons who annually engage in the fur trade and inland trade to Mexico, the amount of capital employed, and the annual amount of the proceeds in furs, robes, peltries, money, etc.; also the disadvantages, if any, which these branches of trade labor under, and the means for their relief and protection."

ANDREW JACKSON.

WASHINGTON, *February 10, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 3d March, 1831, I herewith transmit a report of the Secretary of War "of the survey of the Savannah and Tennessee rivers made in 1828."

ANDREW JACKSON.

WASHINGTON, *February 13, 1832.*

To the Senate:

I herewith transmit a report from the Secretary of State, containing the information and documents* called for by a resolution of the Senate of the 9th instant.

ANDREW JACKSON.

WASHINGTON, *February 15, 1832.*

To the Senate and House of Representatives:

Being more and more convinced that the destiny of the Indians within the settled portion of the United States depends upon their entire and speedy migration to the country west of the Mississippi set apart for their permanent residence, I am anxious that all the arrangements necessary to the complete execution of the plan of removal and to the ultimate security and improvement of the Indians should be made without further delay. Those who have already removed and are removing are sufficiently numerous to engage the serious attention of the Government,

*Dispatch of Mr. Gallatin transmitting the convention of September 29, 1827, and report of an exploring survey from the Sebois River to the head waters of the Penobscot River, made in 1829.

and it is due not less to them than to the obligation which the nation has assumed that every reasonable step should be taken to fulfill the expectations that have been held out to them. Many of those who yet remain will no doubt within a short period become sensible that the course recommended is the only one which promises stability or improvement, and it is to be hoped that all of them will realize this truth and unite with their brethren beyond the Mississippi. Should they do so, there would then be no question of jurisdiction to prevent the Government from exercising such a general control over their affairs as may be essential to their interest and safety. Should any of them, however, repel the offer of removal, they are free to remain, but they must remain with such privileges and disabilities as the respective States within whose jurisdiction they live may prescribe.

I transmit herewith a report from the Secretary of War, which presents a general outline of the progress that has already been made in this work and of all that remains to be done. It will be perceived that much information is yet necessary for the faithful performance of the duties of the Government, without which it will be impossible to provide for the execution of some of the existing stipulations, or make those prudential arrangements upon which the final success of the whole movement, so far as relates to the Indians themselves, must depend.

I recommend the subject to the attention of Congress in the hope that the suggestions in this report may be found useful and that provision may be made for the appointment of the commissioners therein referred to and for vesting them with such authority as may be necessary to the satisfactory performance of the important duties proposed to be intrusted to them.

ANDREW JACKSON.

WASHINGTON, *February 20, 1832.*

To the Senate:

I nominate Charles Ellery to be a lieutenant in the Navy of the United States, to take rank as if appointed the 29th of April, 1826.

In explanation of the above nomination the President submits to the Senate the following facts:

Charles Ellery was originally appointed a lieutenant in the Navy the 13th of January, 1825, and was dismissed from the service the 24th of November, 1830. The dismissal was in pursuance of the sentence of the same court-martial which tried Master Commandant Clack in September, 1830; but it is thought no technical objections to the legality of the proceedings can be found so well sustained as they were in the case of Master Commandant Clack before the Senate at their last session, and it is supposed that Lieutenant Ellery has no claim for restoration to his former rank except on the ground of great severity in the sentence, founded on unfavorable impressions as to his conduct, which his prior

and subsequent behavior, as manifested in the documents hereto annexed, prove to have been in some degree erroneous. The charges were intemperance and sleeping on his post. His departures from strict temperance were only in a few instances, and seem to have arisen from domestic calamity and never to have grown into a habit; and the only instance testified to in support of the other charge seems now at least doubtful, and if sustained at all to be imputable to the same cause.

Under these views of the case, which a charitable consideration of the proceedings and of his character as fully developed in the annexed documents appears fully to justify, his punishment ought, in my opinion, to be mitigated. He is therefore nominated so as to restore him to the service, with loss of pay and rank for about the time elapsed since his last dismission.

The proceedings of the court-martial and the testimonials referred to are inclosed, numbered from 1 to 10.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of limits between the United States of America and the Republic of Mexico, concluded at Mexico on the 12th day of January, 1828, and a supplementary article relating thereto, signed also at Mexico on the 5th day of April, 1831.

ANDREW JACKSON.

UNITED STATES, *February 24, 1832.*

Gentlemen of the Senate:

I lay before you, for your consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Mexico, concluded at Mexico on the 5th day of April, in the year 1831.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 22d December, 1831, calling for certain information in relation to the trade between the United States and the British American colonies, I transmit herewith a report from the Secretary of the Treasury.

ANDREW JACKSON.

WASHINGTON, *February 29, 1832.*

To the Senate:

In compliance with the resolution requesting the President of the United States to communicate to the Senate the considerations which in

his opinion render it proper that the United States should be represented by a chargé d'affaires to the King of the Belgians at this time, I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the House of Representatives:

I submit to the consideration of Congress the accompanying report from the Secretary of State, showing the propriety of making some change by law in the duty on the red wines imported into the United States from Austria.

ANDREW JACKSON.

WASHINGTON, *March 1, 1832.*

To the Senate:

Since my message yesterday in answer to the resolution of the Senate of the 22d December, 1831, calling for certain information in possession of the Executive relating to the trade between the United States and the British American colonies, I have received a report from the Secretary of State on the subject, which is also respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 2, 1832.*

To the Senate:

In compliance with the resolution of the Senate of February 9, 1832, I have received the accompanying report from the Commissioner of the General Land Office, "on the extent and amount of business of the surveyor-general's district for Missouri, Illinois, and Arkansas, and the expediency of dividing the said district," which is respectfully submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 7th instant, requesting the President of the United States to inform the House "whether any, and, if any, what, Indian tribes or nations who joined the enemy in the late war with Great Britain continue to receive annuities from the United States under treaties made prior to the war and not renewed since the peace," I transmit herewith a report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War, containing the information called for by the resolution of the House of the 26th January last, in relation to the expenditures incurred by the execution of the act approved May 28, 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi."

ANDREW JACKSON.

WASHINGTON, *March 12, 1832.*

To the Senate:

I transmit herewith to the Senate a report from the Secretary of War, containing the information called for by the resolution of the Senate of the 12th of January last, in relation to the employment of agents among the Indians since the passage of the "act to provide for an exchange of lands with the Indians residing within any of the States or Territories, and for their removal west of the Mississippi," approved 28th May, 1830.

ANDREW JACKSON.

WASHINGTON, *March 14, 1832.*

To the Senate:

I submit herewith, for the consideration of the Senate as to their advice and consent to the same, an agreement or convention lately made with a band of the Wyandot Indians residing within the limits of Ohio.

ANDREW JACKSON.

WASHINGTON, *March 16, 1832.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, containing the information called for by the House of Representatives of the 27th February last, in relation to the situation of the Government of the Republic of Colombia and the state of our diplomatic relations with it.

ANDREW JACKSON.

WASHINGTON, *March 26, 1832.*

To the Senate of the United States:

I transmit to the Senate, for their advice and consent as to the ratification of the same, a treaty concluded at this city on the 24th instant between the United States and the Creek tribe of Indians.

ANDREW JACKSON.

WASHINGTON, *March 29, 1832.*

To the Senate:

In compliance with the resolution requesting the "President to inform the Senate whether any, and, if any, what, communications have passed between the executive department of the United States and the executive or legislative department of the State of Maine relative to the north-eastern boundary, and whether any proposition has been made by either that the boundary designated by the King of the Netherlands shall be established for a *consideration* to be paid to Maine, and, if so, what consideration was proposed, so far as the same may not be inconsistent with the public interest," I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

WASHINGTON, *April 2, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 17th of the last month, requesting the President to obtain and communicate to it as soon as may be practicable information "whether possession has been taken of any part of the territory of the United States on the Pacific Ocean by the subjects of any foreign power, with any other information relative to the condition and character of the said territory," I transmit herewith reports from the Secretaries of the State and Navy Departments, from which it will appear that there is no satisfactory information on the subject now in possession of the Executive, and that none is likely to be obtained but at an expense which can not be incurred without the authority of Congress.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Congress of the United States:

I transmit herewith to Congress a report from the Secretary of State, showing the circumstances under which refuge was given on board the United States ship *St. Louis*, Captain Sloat, to the vice-president of the Republic of Peru and to General Miller, and the expense thereby incurred by Captain Sloat, for the payment of which there is no fund applicable to the case.

I recommend to Congress that provision be made for this and similar cases that may occur in future.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Congress of the United States:

I submit herewith to the consideration of Congress a report from the Secretary of State, showing the necessity of providing additional accom-

modations for the Patent Office, and proposing the purchase of a suitable building, which has been offered to the Government for the purpose.

ANDREW JACKSON.

WASHINGTON, *April 4, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of State, made in compliance with the resolution of the Senate which requests the President to communicate to the Senate, if not incompatible with the public interest, that portion of the correspondence between Mr. McLane, while minister at London, and the Secretary of State, and also between our said minister and the British Government, respecting the colonial trade, which may not have been communicated with his message to Congress of the 3d January, 1831.

ANDREW JACKSON.

WASHINGTON, *April 6, 1832.*

To the Senate:

I nominate William P. Zantzinger, of Pennsylvania, to be a purser in the Navy of the United States.

In submitting the above nomination it is deemed proper to give some detail of the peculiar circumstances of the case. Mr. Zantzinger was formerly a purser, and after a trial by a court-martial in January, 1830, was dismissed from the naval service. The record is inclosed, marked A. In July, 1830, verbally, afterwards in writing early in 1831, he applied for restoration to his former situation and date on the assumed ground that the proceedings in his trial were illegal and void, and he fortified himself by the many numerous certificates and opinions herewith forwarded, marked B.

These have been carefully examined, and though failing to convince me of the correctness of his position in respect to the nullity of those proceedings, I am satisfied that under all the circumstances of the case a mitigation of his sentence can be justified on both public and personal grounds.

With the loss of his former date and of his pay since his dismission, I have therefore submitted his nomination to take effect like an original entry into the service, only from its confirmation by the Senate. There is now one vacancy in the corps of pursers.

ANDREW JACKSON.

WASHINGTON, *April 9, 1832.*

To the Senate:

In compliance with the resolution requesting the President to transmit to the Senate "Lord Aberdeen's letter in answer to Mr. Barbour's of

the 27th November, 1828, and also so much of a letter of the 22d April, 1831, from Mr. McLane to Mr. Van Buren as relates to the proposed duty on cotton," I transmit herewith a report from the Secretary of State, communicating copies of the letters referred to.

ANDREW JACKSON.

WASHINGTON, *April 13, 1832.*

To the Congress of the United States:

Approving the suggestions expressed by the Secretary of State in regard to the propriety of exempting Portuguese vessels entering the ports of the United States from the payment of the duties on tonnage, in consequence of a like exemption being extended to those of the United States, I transmit herewith, for the consideration of Congress, his letter on the subject.

ANDREW JACKSON.

WASHINGTON, *April 18, 1832.*

To the Senate:

I transmit herewith a report* from the Secretary of the Treasury, containing the information called for by the resolution of the Senate of the 3d instant.

ANDREW JACKSON.

WASHINGTON, *April 19, 1832.*

To the Senate and House of Representatives:

I transmit herewith printed copies of each of the treaties between the United States and the Indian tribes that have been ratified during the present session of Congress.

ANDREW JACKSON.

WASHINGTON, *April 20, 1832.*

To the Senate:

In compliance with the resolution of the Senate of the 9th instant, requesting the President "to communicate to the Senate all the instructions given by this Government to our ministers to Great Britain and all the correspondence of our ministers on the subject of the colonial and West India trade since the 3d of March, 1825, not heretofore communicated, so far as the public interest will, in his judgment, permit," I transmit herewith a report from the Secretary of State, containing the information required.

ANDREW JACKSON.

*Relating to trade with the European possessions of Great Britain for the year ending September 30, 1831.

WASHINGTON, *April 23, 1832.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report from the Secretary of State, suggesting the propriety of passing a law making it criminal within the limits of the United States to counterfeit the current coin of any foreign nation.

ANDREW JACKSON.

WASHINGTON, *April 23, 1832.*

To the Senate:

I transmit herewith a report from the Secretary of the Treasury, containing the information called for by the resolution of the 26th of March last, in which the President is requested to communicate to the Senate—

First. The total amount of public lands belonging to the United States which remain unsold, whether the Indian title thereon has been extinguished or not, as far as that amount can be ascertained from surveys actually made or by estimate, and distinguishing the States and Territories respectively in which it is situated, and the quantity in each.

Second. The amount on which the Indian title has been extinguished and the sums paid for the extinction thereof, and the amount on which the Indian title remains to be extinguished.

Third. The amount which has been granted by Congress from time to time in the several States and Territories, distinguishing between them and stating the purposes for which the grants were respectively made, and the amount of lands granted or money paid in satisfaction of Virginia land claims.

Fourth. The amount which has been heretofore sold by the United States, distinguishing between the States and Territories in which it is situated.

Fifth. The amount which has been paid to France, Spain, and Georgia for the public lands acquired from them respectively, including the amount which has been paid to purchasers from Georgia to quiet or in satisfaction of their claims, and the amount paid to the Indians to extinguish their title within the limits of Georgia.

Sixth. The total expense of administering the public domain since the declaration of independence, including all charges for surveying, for land offices, and other disbursements, and exhibiting the net amount which has been realized in the Treasury from that source.

ANDREW JACKSON.

WASHINGTON, *May 1, 1832.*

To the House of Representatives:

I transmit herewith, for the use of the House, a printed copy of two treaties lately ratified between the United States of America and the United Mexican States.

ANDREW JACKSON.

[The same message was sent to the Senate.]

WASHINGTON, *May 2, 1832.*

To the House of Representatives:

In compliance with a resolution of the House of the 1st instant, in relation to the imprisonment* of Samuel G. Howe, I transmit herewith

*In Berlin, Prussia.

a report from the Secretary of State, by which it appears that no information on the subject has yet reached the Department of State but what is contained in the public newspapers.

ANDREW JACKSON.

WASHINGTON, *May 29, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 18th instant, I transmit herewith a report from the Secretary of State, with copies of the several instructions under which the recent treaty of indemnity with Denmark was negotiated, and also of the other papers relating to the negotiation required by the resolution.

ANDREW JACKSON.

WASHINGTON, *May 29, 1832.*

To the House of Representatives:

In compliance with the resolution of the House of the 27th of February last, requesting copies of the instructions and correspondence relating to the negotiation of the treaty with the Sublime Porte, together with those of the negotiations preceding the treaty from the year 1819, I transmit herewith a report from the Secretary of State, with the papers required.

ANDREW JACKSON.

WASHINGTON, *June 11, 1832.*

To the Senate:

I renominate Samuel Gwin to be register of the land office at Clinton, in the State of Mississippi.

In nominating Mr. Gwin to this office again it is proper to state to the Senate that I do so in compliance with the request of a number of the most respectable citizens of the State of Mississippi and with that of one of the Senators from the same State. The letters expressing this request are herewith respectfully inclosed for the consideration of the Senate. It will be perceived that they bear the fullest testimony to the fitness of Mr. Gwin for the office, and evince a strong desire that he should be continued in it.

Under these circumstances, and possessing myself a personal knowledge of his integrity and fitness and of the claims which his faithful and patriotic services give him upon the Government, I deem it an act of justice to nominate him again, not doubting that the Senate will embrace with cheerfulness an opportunity, with fuller information, to reconsider their former vote upon his nomination.

ANDREW JACKSON.

WASHINGTON, *June 25, 1832.*

To the Senate of the United States:

I herewith transmit to the Senate a report from the Secretary of State, on the subject of the abolition of discriminating duties on the tonnage of Spanish vessels. As it requires legislative enactment, I recommend it to the early attention of Congress.

ANDREW JACKSON.

[The same message was sent to the House of Representatives.]

WASHINGTON CITY, *July 12, 1832.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the resolution of the House of Representatives passed this day, requesting the President of the United States "to lay before the House copies of the instructions given to the commander of the frigate *Potomac* previous to and since the departure of that ship from the island of Sumatra, and copies of such letters as may have been received from said commander after his arrival at Quallah Battoo, except such parts as may in his judgment require secrecy," I forward copies of the two letters of instructions to Captain Downes in relation to the piratical plunder and murder of our citizens at Quallah Battoo, on the coast of Sumatra, detailing his proceedings.

The instructions, with the papers annexed, are all that have been given bearing on this subject, and although parts of them do not relate materially to the supposed object of the resolution, yet it has been deemed expedient to omit nothing contained in the originals.

The letter and report from Captain Downes which are herewith furnished are all yet received from him bearing upon his proceedings at Quallah Battoo; but as further intelligence may hereafter be communicated by him, I send them for the information of the House, submitting, however, in justice to that officer, that their contents should not be published until he can enjoy a further opportunity of giving more full explanations of all the circumstances under which he conducted.

ANDREW JACKSON.

WASHINGTON, *July 14, 1832.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of the 17th of February last, requesting copies of the instructions and correspondence relative to the treaty with the Sublime Porte, together with those of the negotiations preceding that treaty, from the year 1829, I transmit herewith a supplemental report from the Secretary of State, with the papers accompanying the same.

ANDREW JACKSON.

VETO MESSAGE.

WASHINGTON, *July 10, 1832.*

To the Senate:

The bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States" was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the Constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A bank of the United States is in many respects convenient for the Government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty at an early period of my Administration to call the attention of Congress to the practicability of organizing an institution combining all its advantages and obviating these objections. I sincerely regret that in the act before me I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and in many cases to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase at least 20 or 30 per cent more the market price of the stock, subject to the payment of the annuity of $200,000 per year secured by the act, thus adding in a moment one-fourth to its par value. It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act the Amer-

THE BANK OF THE UNITED STATES

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This institution was hated, in its day, very much in the same way and for the same reasons as the trusts of to-day. It was a "hydra-headed monster, a grinding monopoly, robbing the people, making money dear, ruining the State banks, and causing hard times." State legislatures tried to bar it out of their boundaries, and in the West it was particularly hated. The Bank was charged with meddling in politics, in concert with the enemies of Jackson. Receiving word that the administration disfavored him, the president of the Bank visited Jackson and arranged to displace some of his present directors and appoint Jackson partisans instead.

The attack on the Bank seems to have originated with Jackson himself; in time and manner it certainly was contrary to the advice of his ministers. It arose from his belief that Congress had no power to charter a bank to do business anywhere except in the District of Columbia. Beginning with the moderate expressions of his first annual message, Jackson continually called the matter to the attention of Congress. Finally, on July 10, 1832, he sent in his message (page 1139), vetoing the renewal of its charter. Regarding the removal of deposits from the Bank, Jackson's own statement (page 1249) is the best authority. The Bank went out of existence in 1835, when its charter expired.

ican Republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners and to some of our own opulent citizens the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly and all exclusive privileges are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of 50 per cent, and command in market at least $42,000,000, subject to the payment of the present bonus. The present value of the monopoly, therefore, is $17,000,000, and this the act proposes to sell for three millions, payable in fifteen annual installments of $200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the Government sell out the whole stock and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act and putting the premium upon the sales into the Treasury?

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor but to the bounty of Government. It appears that more than a fourth part of the stock is held by foreigners and the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly and dispose of it for many millions less than it is worth. This seems the less excusable because some of our citizens not now stockholders petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock and at this moment wield the power of the existing institution. I can not perceive the justice or policy of this course. If our Government

must sell monopolies, it would seem to be its duty to take nothing less than their full value, and if gratuities must be made once in fifteen or twenty years let them not be bestowed on the subjects of a foreign government nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me upon these points I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample, and if it has been well managed its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own, and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force is to admit that the bank ought to be perpetual, and as a consequence the present stockholders and those inheriting their rights as successors be established a privileged order, clothed both with great political power and enjoying immense pecuniary advantages from their connection with the Government.

The modifications of the existing charter proposed by this act are not such, in my view, as make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be, on the faces thereof, respectively made payable at one place only, shall nevertheless be received by the said corporation at the bank or at any of the offices of discount and deposit thereof if tendered in liquidation or payment of any balance or balances due to said corporation or to such office of discount and deposit from any other incorporated bank." This provision secures to the State banks a legal privilege in the Bank of the United States which is withheld from all private citizens. If a State bank in Philadelphia owe the Bank of the United States and have notes issued by the St. Louis branch, it can pay the debt with those notes, but if a merchant, mechanic, or other private citizen be in like circumstances he can not by law pay his debt with those notes, but must sell them at a discount or send them to St. Louis to be cashed. This boon conceded to the State banks, though not unjust in itself, is most odious because it does not measure out equal justice to the

high and the low, the rich and the poor. To the extent of its practical effect it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people, and its necessary tendency is to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognizes principles of worse tendency than any provision of the present charter.

It enacts that "the cashier of the bank shall annually report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States, and on the application of the treasurer of any State shall make out and transmit to such treasurer a list of stockholders residing in or citizens of such State, with the amount of stock owned by each." Although this provision, taken in connection with a decision of the Supreme Court, surrenders, by its silence, the right of the States to tax the banking institutions created by this corporation under the name of branches throughout the Union, it is evidently intended to be construed as a concession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the States, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some States that tax is now 1 per cent, either on the capital or on the shares, and that may be assumed as the amount which all citizen or resident stockholders would be taxed under the operation of this act. As it is only the stock *held* in the States and not that *employed* within them which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the treasurers of the States, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will therefore be 1 per cent more than the citizen stockholders, and as the annual dividends of the bank may be safely estimated at 7 per cent, the stock will be worth 10 or 15 per cent more to foreigners than to citizens of the United States. To appreciate the effects which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents submitted to Congress at the present session it appears that on the 1st of January, 1832, of the twenty-eight millions of private stock in the corporation, $8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine Western and Southwestern States is $140,200, and in the four Southern States is $5,623,100, and in the Middle and Eastern States is about $13,522,000. The profits of the bank in 1831, as shown in a statement to Congress, were about $3,455,598; of this there accrued in the nine Western States about $1,640,048; in the four Southern States about $352,507, and in the Middle and Eastern States about $1,463,041. As little stock is held in the

West, it is obvious that the debt of the people in that section to the bank is principally a debt to the Eastern and foreign stockholders; that the interest they pay upon it is carried into the Eastern States and into Europe, and that it is a burden upon their industry and a drain of their currency, which no country can bear without inconvenience and occasional distress. To meet this burden and equalize the exchange operations of the bank, the amount of specie drawn from those States through its branches within the last two years, as shown by its official reports, was about $6,000,000. More than half a million of this amount does not stop in the Eastern States, but passes on to Europe to pay the dividends of the foreign stockholders. In the principle of taxation recognized by this act the Western States find no adequate compensation for this perpetual burden on their industry and drain of their currency. The branch bank at Mobile made last year $95,140, yet under the provisions of this act the State of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St. Louis, and such, in a greater or less degree, is the condition of every Western State. The tendency of the plan of taxation which this act proposes will be to place the whole United States in the same relation to foreign countries which the Western States now bear to the Eastern. When by a tax on resident stockholders the stock of this bank is made worth 10 or 15 per cent more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision in its practical effect deprive the Eastern as well as the Southern and Western States of the means of raising a revenue from the extension of business and great profits of this institution. It will make the American people debtors to aliens in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this bank five are chosen by the Government and twenty by the citizen stockholders. From all voice in these elections the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders the extent of suffrage in the choice of directors is curtailed. Already is almost a third of the stock in foreign hands and not represented in elections. It is constantly passing out of the country, and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders, and the ease with which the object would be accomplished would be a temptation to designing men to secure that control in their own hands by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and without responsibility or control manage the whole concerns of the bank during the existence of its charter. It is

easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men irresponsible to the people.

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become concentered, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction there can be no doubt. All its operations within would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stockholders, every consideration of sound policy and every impulse of American feeling admonishes that it should be *purely American*. Its stockholders should be composed exclusively of our own citizens, who at least ought to be friendly to our Government and willing to support it in times of difficulty and danger. So abundant is domestic capital that competition in subscribing for the stock of local banks has recently led almost to riots. To a bank exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for $200,000,000 could be readily obtained. Instead of sending abroad the stock of the bank in which the Government must deposit its funds and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent and by the decision of the Supreme Court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be

regarded as deciding questions of constitutional power except where the acquiescence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the States, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those in its favor as 4 to 1. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon the Supreme Court have not decided that all the features of this corporation are compatible with the Constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress; but taking into view the whole opinion of the court and the reasoning by which they have come to that conclusion, I understand them to have decided that inasmuch as a bank is an appropriate means for carrying into effect the enumerated powers of the General Government, therefore the law incorporating it is in accordance with that provision of the Constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "*necessary*" in the Constitution means "*needful*," "*requisite*," "*essential*," "*conducive to*," and that "a bank" is a convenient, a useful, and essential instrument in the prosecution of the Government's "fiscal operations," they conclude that to "use one must be within the discretion of Congress" and that "the act to incorporate the Bank of the United States is a law made in pursuance of the Consti-

tution;" "but," say they, "*where the law is not prohibited and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.*"

The principle here affirmed is that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional, but it is the province of the Legislature to determine whether this or that particular power, privilege, or exemption is "necessary and proper" to enable the bank to discharge its duties to the Government, and from their decision there is no appeal to the courts of justice. Under the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide whether the particular features of this act are *necessary* and *proper* in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional, or *unnecessary* and *improper*, and therefore unconstitutional.

Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it can not be supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the Constitution.

The original act of incorporation, section 21, enacts "that no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged: *Provided*, Congress may renew existing charters for banks within the District of Columbia not increasing the capital thereof, and may also establish any other bank or banks in said District with capitals not exceeding in the whole $6,000,000 if they shall deem it expedient." This provision is continued in force by the act before me fifteen years from the 3d of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one if in their opinion two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the Constitution. If they possessed the power to establish a second bank, it was a power derived from the Constitution to be exercised from time to time, and at any time when the interests of the country or the emergencies of the Government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It can not be "*necessary*" or

"*proper*" for Congress to barter away or divest themselves of any of the powers vested in them by the Constitution to be exercised for the public good. It is not "*necessary*" to the efficiency of the bank, nor is it "*proper*" in relation to themselves and their successors. They may *properly* use the discretion vested in them, but they may not limit the discretion of their successors. This restriction on themselves and grant of a monopoly to the bank is therefore unconstitutional.

In another point of view this provision is a palpable attempt to amend the Constitution by an act of legislation. The Constitution declares that "the Congress shall have power to exercise exclusive legislation in all cases whatsoever" over the District of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia and increase their capital at will is unlimited and uncontrollable by any other power than that which gave authority to the Constitution. Yet this act declares that Congress shall *not* increase the capital of existing banks, nor create other banks with capitals exceeding in the whole $6,000,000. The Constitution declares that Congress *shall* have power to exercise exclusive legislation over this District "*in all cases whatsoever,*" and this act declares they shall not. Which is the supreme law of the land? This provision can not be "*necessary*" or "*proper*" or *constitutional* unless the absurdity be admitted that whenever it be "necessary and proper" in the opinion of Congress they have a right to barter away one portion of the powers vested in them by the Constitution as a means of executing the rest.

On two subjects only does the Constitution recognize in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Out of this express delegation of power have grown our laws of patents and copyrights. As the Constitution expressly delegates to Congress the power to grant exclusive privileges in these cases as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power there is an ever-living discretion in the use of proper means, which can not be restricted or abolished without an amendment of the Constitution. Every act of Congress, therefore, which attempts by grants of monopolies or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers is equivalent to a legislative amendment of the Constitution, and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners and grants them an exemption from all State and national taxation. So

far from being "*necessary and proper*" that the bank should possess this power to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the Republic, and in war to endanger our independence.

The several States reserved the power at the formation of the Constitution to regulate and control titles and transfers of real property, and most, if not all, of them have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the States to prescribe such disqualifications, gives to aliens stockholders in this bank an interest and title, as members of the corporation, to all the real property it may acquire within any of the States of this Union. This privilege granted to aliens is not "*necessary*" to enable the bank to perform its public duties, nor in any sense "*proper*," because it is vitally subversive of the rights of the States.

The Government of the United States have no constitutional power to purchase lands within the States except "for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," and even for these objects only "by the consent of the legislature of the State in which the same shall be." By making themselves stockholders in the bank and granting to the corporation the power to purchase lands for other purposes they assume a power not granted in the Constitution and grant to others what they do not themselves possess. It is not *necessary* to the receiving, safe-keeping, or transmission of the funds of the Government that the bank should possess this power, and it is not *proper* that Congress should thus enlarge the powers delegated to them in the Constitution.

The old Bank of the United States possessed a capital of only $11,000,000, which was found fully sufficient to enable it with dispatch and safety to perform all the functions required of it by the Government. The capital of the present bank is $35,000,000—at least twenty-four more than experience has proved to be *necessary* to enable a bank to perform its public functions. The public debt which existed during the period of the old bank and on the establishment of the new has been nearly paid off, and our revenue will soon be reduced. This increase of capital is therefore not for public but for private purposes.

The Government is the only "*proper*" judge where its agents should reside and keep their offices, because it best knows where their presence will be "*necessary.*" It can not, therefore, be "*necessary*" or "*proper*" to authorize the bank to locate branches where it pleases to perform the public service, without consulting the Government, and contrary to its will. The principle laid down by the Supreme Court concedes that Congress can not establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the

General Government. By the same principle a branch bank can not constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any State, without the injunction or request of the Government and for other than public purposes, is not "*necessary*" to the due *execution* of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession upon the face of the act that the powers granted by it are greater than are "*necessary*" to its character of a fiscal agent. The Government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter and that of three millions proposed by this act are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place within the United States or the Territories thereof, and for distributing the same in payment of the public creditors without charging commission or claiming allowance on account of the difference of exchange," as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank," and the act before me declares it to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years, as aforesaid." It is therefore for "exclusive privileges and benefits" conferred for their own use and emolument, and not for the advantage of the Government, that a bonus is exacted. These surplus powers for which the bank is required to pay can not surely be "*necessary*" to make it the fiscal agent of the Treasury. If they were, the exaction of a bonus for them would not be "*proper*."

It is maintained by some that the bank is a means of executing the constitutional power "to coin money and regulate the value thereof." Congress have established a mint to coin money and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt are the only currency known to the Constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the Constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a bank, and therefore unconstitutional.

By its silence, considered in connection with the decision of the Supreme Court in the case of McCulloch against the State of Maryland, this act takes from the States the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against Federal encroachments.

Banking, like farming, manufacturing, or any other occupation or profession, is *a business*, the right to follow which is not originally derived from the laws. Every citizen and every company of citizens in all of our States possessed the right until the State legislatures deemed it good policy to prohibit private banking by law. If the prohibitory State laws were now repealed, every citizen would again possess the right. The State banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as in the opinion of the State legislatures the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to State taxation. The manner in which these taxes shall be laid depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the Constitution the States guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States officers, are liable to a poll tax by the States within which they reside. The lands of the United States are liable to the usual land tax, except in the new States, from whom agreements that they will not tax unsold lands are exacted when they are admitted into the Union. Horses, wagons, any beasts or vehicles, tools, or property belonging to private citizens, though employed in the service of the United States, are subject to State taxation. Every private business, whether carried on by an officer of the General Government or not, whether it be mixed with public concerns or not, even if it be carried on by the Government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the State. Nothing comes more fully within it than banks and the business of banking, by whomsoever instituted and carried on. Over this whole subject-matter it is just as absolute, unlimited, and uncontrollable as if the Constitution had never been adopted, because in the formation of that instrument it was reserved without qualification.

The principle is conceded that the States can not rightfully tax the operations of the General Government. They can not tax the money of the Government deposited in the State banks, nor the agency of those banks in remitting it; but will any man maintain that their mere selection to perform this public service for the General Government would exempt the State banks and their ordinary business from State taxation? Had the United States, instead of establishing a bank at Philadelphia, employed a private banker to keep and transmit their funds, would it have deprived Pennsylvania of the right to tax his bank and his usual

banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the Bank of the United States and their usual banking operations to be exempted from taxation? It is not their public agency or the deposits of the Government which the States claim a right to tax, but their banks and their banking powers, instituted and exercised within State jurisdiction for their private emolument—those powers and privileges for which they pay a bonus, and which the States tax in their own banks. The exercise of these powers within a State, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the States, by foreigners or the agents of foreign governments located within their limits, forms a legitimate object of State taxation. From this and like sources, from the persons, property, and business that are found residing, located, or carried on under their jurisdiction, must the States, since the surrender of their right to raise a revenue from imports and exports, draw all the money necessary for the support of their governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the States ought more pertinaciously to cling.

It can not be *necessary* to the character of the bank as a fiscal agent of the Government that its private business should be exempted from that taxation to which all the State banks are liable, nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the States shall be thus attacked and annihilated as a means of executing the powers delegated to the General Government. It may be safely assumed that none of those sages who had an agency in forming or adopting our Constitution ever imagined that any portion of the taxing power of the States not prohibited to them nor delegated to Congress was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the Supreme Court will not call in question the constitutionality of an act of Congress the subject of which "is not prohibited, and is really calculated to effect any of the objects intrusted to the Government," although, as in the case before me, it takes away powers expressly granted to Congress and rights scrupulously reserved to the States, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the States may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States that as a means of executing other powers it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the States to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place that business in

the hands of our agents and then declare it exempt from State taxation in their hands. Thus may our own powers and the rights of the States, which we can not directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers or the reserved rights of the States I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call it was obviously proper that he should confine himself to pointing out those prominent features in the act presented which in his opinion make it incompatible with the Constitution and sound policy. A general discussion will now take place, eliciting new light and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result.

Under such circumstances the bank comes forward and asks a renewal of its charter for a term of fifteen years upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspicions are entertained and charges are made of gross abuse and violation of its charter. An investigation unwillingly conceded and so restricted in time as necessarily to make it incomplete and unsatisfactory discloses enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made and as yet wholly uninvestigated there was enough to induce a majority of the committee of investigation—a committee which was selected from the most able and honorable members of the House of Representatives—to recommend a suspension of further action upon the bill and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so there seems to be an additional reason why the functionaries of the Government should proceed with less haste and more caution in the renewal of their monopoly.

The bank is professedly established as an agent of the executive branch of the Government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action nor upon the provisions of this act was the Executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such

powers and favored by such exemptions. There is nothing in its legitimate functions which makes it necessary or proper. Whatever interest or influence, whether public or private, has given birth to this act, it can not be found either in the wishes or necessities of the executive department, by which present action is deemed premature, and the powers conferred upon its agent not only unnecessary, but dangerous to the Government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me there seems to be a wide and unnecessary departure from these just principles.

Nor is our Government to be maintained or our Union preserved by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves—in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our Government now encounters and most of the dangers which impend over our Union have sprung from an abandonment of the legitimate objects of Government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires we have in the results of our legislation arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguished the sages of the Revolution and the fathers of our Union. If

we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace. In the difficulties which surround us and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which I am sure watches with peculiar care over the destinies of our Republic, and on the intelligence and wisdom of our countrymen. Through *His* abundant goodness and *their* patriotic devotion our liberty and Union will be preserved.

ANDREW JACKSON.

FOURTH ANNUAL MESSAGE.

DECEMBER 4, 1832.

Fellow-Citizens of the Senate and House of Representatives:

It gives me pleasure to congratulate you upon your return to the seat of Government for the purpose of discharging your duties to the people of the United States. Although the pestilence which had traversed the Old World has entered our limits and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity and lessen the number of its victims compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents on every side marks of prosperity and happiness unequaled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and, with hearts of thankfulness to that divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve and hand down to posterity that liberty and that union which we have received from our fathers, and which constitute the sources and the shield of all our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the satisfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This

desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce and to grant none. It is daily producing its beneficial effect in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation and the extension of our mercantile operations. The returns which have been made out since we last met will show an increase during the last preceding year of more than 80,000 tons in our shipping and of near $40,000,000 in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you—a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered Father of his Country on this subject, condensed into a maxim for the use of posterity by one of his most distinguished successors—to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a faithful performance of the duties incumbent on us as a neutral nation, and our own citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence the most friendly relations have subsisted through the late revolutions of its Government, and, from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a monarch to the throne who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the adjustment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain I have the satisfaction to inform you that I continue to receive assurances of the most amicable disposition, which have on my part on all proper occasions been promptly and sincerely reciprocated. The attention of that Government has latterly been so much engrossed by matters of a deeply interesting domestic character that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recall of our minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would endanger the good

understanding which it is the interest of both parties to preserve inviolate, cemented as it is by a community of language, manners, and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions and for that system of representative government which has enabled us to preserve and improve them.

The question of our northeastern boundary still remains unsettled. In my last annual message I explained to you the situation in which I found that business on my coming into office, and the measures I thought it my duty to pursue for asserting the rights of the United States before the sovereign who had been chosen by my predecessor to determine the question, and also the manner in which he had disposed of it. A special message to the Senate in their executive capacity afterwards brought before them the question whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory and advised me to open a further negotiation, the proposition was immediately made to the British Government, but the circumstances to which I have alluded have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort on my part will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place it was discovered that some of these demands, however strong they might be upon the equity of that Government, were not such as could be made the subject of national interference; and faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent to modify our demands so as to embrace those only on which, according to the laws of nations, we had a strict right to insist. An inevitable delay in procuring the documents necessary for this review of the merits of these claims retarded this operation until an unfortunate malady which has afflicted His Catholic Majesty prevented an examination of them. Being now for the first time presented in an unexceptionable form, it is confidently hoped that the application will be successful.

I have the satisfaction to inform you that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to The Havannah, has produced a royal order for their delivery, and that measures have been taken to procure its execution.

By the report of the Secretary of State communicated to you on the 25th June last you were informed of the conditional reduction obtained by the minister of the United States at Madrid of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties in the continental ports of Spain than are levied on their national vessels.

The demands against Portugal for illegal captures in the blockade of Terceira have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three installments. The first of these has been paid; the second, although due, had not at the date of our last advices been received, owing, it was alleged, to embarrassments in the finances consequent on the civil war in which that nation is engaged.

The payments stipulated by the convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants as soon as the board, now sitting, shall have performed their functions.

I regret that by the last advices from our chargé d'affaires at Naples that Government had still delayed the satisfaction due to our citizens, but at that date the effect of the last instructions was not known. Dispatches from thence are hourly expected, and the result will be communicated to you without delay.

With the rest of Europe our relations, political and commercial, remain unchanged. Negotiations are going on to put on a permanent basis the liberal system of commerce now carried on between us and the Empire of Russia. The treaty concluded with Austria is executed by His Imperial Majesty with the most perfect good faith, and as we have no diplomatic agent at his Court he personally inquired into and corrected a proceeding of some of his subaltern officers to the injury of our consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed, but on the representation of our chargé d'affaires it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black Sea and of all the ports belonging to the Turkish Empire and Asia on the most perfect equality with all foreign nations.

I wish earnestly that in announcing to you the continuance of friendship and the increase of a profitable commercial intercourse with Mexico, with Central America, and the States of the South I could accompany it with the assurance that they all are blessed with that internal tranquillity and foreign peace which their heroic devotion to the cause of their independence merits. In Mexico a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce, but both parties profess the most friendly disposition toward us. To the termination of this contest we look for the establishment of that secure intercourse so necessary to nations whose territories are contiguous. How important it will be to us we may calculate from the fact that even in this unfavorable state of things our maritime commerce has increased, and an internal

trade by caravans from St. Louis to Santa Fe, under the protection of escorts furnished by the Government, is carried on to great advantage and is daily increasing. The agents provided for by the treaty, with this power to designate the boundaries which it established, have been named on our part, but one of the evils of the civil war now raging there has been that the appointment of those with whom they were to cooperate has not yet been announced to us.

The Government of Central America has expelled from its territory the party which some time since disturbed its peace. Desirous of fostering a favorable disposition toward us, which has on more than one occasion been evinced by this interesting country, I made a second attempt in this year to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three States which formed the Republic of Colombia has been dissolved, but they all, it is believed, consider themselves as separately bound by the treaty which was made in their federal capacity. The minister accredited to the federation continues in that character near the Government of New Granada, and hopes were entertained that a new union would be formed between the separate States, at least for the purposes of foreign intercourse. Our minister has been instructed to use his good offices, whenever they shall be desired, to produce the reunion so much to be wished for, the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations naturally attendant on an infant reign have prevailed in the Empire of Brazil, which have had the usual effect upon commercial operations, and while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice than duty to our fellow-citizens would under other circumstances have required. But their claims are not neglected, and will on all proper occasions be urged, and it is hoped with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message was at the date of our last advices still pending and in a state that would render a publication of the details inexpedient.

A treaty of amity and commerce has been formed with the Republic of Chili, which, if approved by the Senate, will be laid before you. That Government seems to be established, and at peace with its neighbors; and its ports being the resorts of our ships which are employed in the highly important trade of the fisheries, this commercial convention can not but be of great advantage to our fellow-citizens engaged in that perilous but profitable business.

Our commerce with the neighboring State of Peru, owing to the onerous duties levied on our principal articles of export, has been on the decline, and all endeavors to procure an alteration have hitherto proved fruitless. With Bolivia we have yet no diplomatic intercourse, and the continual contests carried on between it and Peru have made me defer until a more favorable period the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships by the inhabitants of a settlement on the west coast of Sumatra, a frigate was dispatched with orders to demand satisfaction for the injury if those who committed it should be found to be members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This last was done, and the effect has been an increased respect for our flag in those distant seas and additional security for our commerce.

In the view I have given of our connection with foreign powers allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the Secretary of the Treasury will in due time lay before you will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfill their engagements with the Government, the receipts from customs during the year will exceed the estimate presented at the last session, and with the other means of the Treasury will prove fully adequate not only to meet the increased expenditures resulting from the large appropriations made by Congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the Treasury during the present year upward of $28,000,000 The public lands, however, have proved less productive than was anticipated, and according to present information will not much exceed two millions. The expenditures for all objects other than the public debt are estimated to amount during the year to about sixteen millions and a half, while a still larger sum, viz, $18,000,000, will have been applied to the principal and interest of the public debt.

It is expected, however, that in consequence of the reduced rates of duty which will take effect after the 3d of March next there will be a considerable falling off in the revenue from customs in the year 1833. It will nevertheless be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the 1st of January next the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of $7,000,000, of which $2,227,363 are not of right redeemable until the 1st of January, 1834, and $4,735,296 not until the 2d of January, 1835. The commissioners of the sinking funds, however, being invested with full authority to purchase the debt at the market price, and the means of the Treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event—the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present Administration has devoted to it all the means which a flourishing commerce has supplied and a prudent economy preserved for the public Treasury. Within the four years for which the people have confided the Executive power to my charge $58,000,000 will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects will be seen by referring to the liberal provision made during the same period for the support and increase of our means of maritime and military defense, for internal improvements of a national character, for the removal and preservation of the Indians, and, lastly, for the gallant veterans of the Revolution.

The final removal of this great burthen from our resources affords the means of further provision for all the objects of general welfare and public defense which the Constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury it will be seen that after the present year such a reduction may be made to a considerable extent, and the subject is earnestly recommended to the consideration of Congress in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object as may remove those burthens which shall be found to fall unequally upon any and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject, and I deem it my duty on the present occasion again to urge them upon the attention of the Legislature. The soundest maxims of public policy and the principles upon which our republican institutions are founded recommend a proper

adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the Government and necessary to an efficient public service. In effecting this adjustment it is due, in justice to the interests of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If upon investigation it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that as far as may be consistent with these objects the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the Government and to the preservation of the large capital invested in establishments of domestic industry will permit.

That manufactures adequate to the supply of our domestic consumption would in the abstract be beneficial to our country there is no reason to doubt, and to effect their establishment there is perhaps no American citizen who would not for awhile be willing to pay a higher price for them. But for this purpose it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary and, generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of our countrymen a spirit of discontent and jealousy dangerous to the stability of the Union.

What, then, shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments can not expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is

recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But beyond this object we have already seen the operation of the system productive of discontent. In some sections of the Republic its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice which in other countries have characterized the existence of monopolies and proved so destructive of liberty and the general good. A large portion of the people in one section of the Republic declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless these effects are in a great degree exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are nevertheless important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the Republic, and with a determination to dispose of it so that none can with justice complain.

It is my painful duty to state that in one quarter of the United States opposition to the revenue laws has arisen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the General Government, it is hoped they will be able peaceably to overcome them by the prudence of their own officers and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow-citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to Congress, with a suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the General Government to that simple machine which the Constitution created and of withdrawing from the States all other influence than that of its universal beneficence in preserving peace, affording an uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit these stocks are of little or no value; as a means of influence among the States they are adverse to the purity of our institutions. The whole principle on which they are based is deemed by many unconstitutional, and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the Bank

of the United States with a portion of the holders of the 3 per cent stock, by which the Government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the Secretary of the Treasury, a surrender of the certificates of this stock may be postponed until October, 1833, and thus the liability of the Government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which if true may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony and as a fund to meet the expenses of the war. The recommendation was adopted, and at different periods of time the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. In examining this question all local and sectional feelings should be discarded and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It can not be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society and true friends of liberty.

In addition to these considerations questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new States and the powers of the General Government, and unless a liberal policy be now adopted there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full

action, will be found more dangerous to the harmony and union of the States than any other cause of discontent, and it is the part of wisdom and sound policy to foresee its approaches and endeavor if possible to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the National Legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion to urge it upon your consideration, and to the propositions which have been heretofore suggested by others to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy that the public lands shall cease as soon as practicable to be a source of revenue, and that they be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense of the present system and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles now secured to purchasers seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil and the future disposition of it be surrendered to the States respectively in which it lies.

The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have in the progress of our Government, for the lands they occupy, paid into the Treasury a large proportion of $40,000,000, and of the revenue received therefrom but a small part has been expended amongst them. When to the disadvantage of their situation in this respect we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it can not be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on the subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

In former messages I have expressed my conviction that the Constitution does not warrant the application of the funds of the General Government to objects of internal improvement which are not national in their character, and, both as a means of doing justice to all interests and putting an end to a course of legislation calculated to destroy the purity

of the Government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well-defined principles ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the Constitution can not be devised which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment, and that there is, therefore, no excuse for the assumption of doubtful powers by the General Government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three-fourths of the States, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one-fourth of the States are unwilling to make the grant its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this Government as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the States such an amendment of the Constitution as will define its character and prescribe its bounds. If the States feel themselves competent to these objects, why should this Government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both Governments are the Governments of the people; improvements must be made with the money of the people, and if the money can be collected and applied by those more simple and economical political machines, the State governments, it will unquestionably be safer and better for the people than to add to the splendor, the

patronage, and the power of the General Government. But if the people of the several States think otherwise they will amend the Constitution, and in their decision all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the War Department I refer you to the accompanying report of the Secretary of War.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the Government. A portion of the troops, under Generals Scott and Atkinson, and of the militia of the State of Illinois were called into the field. After a harassing warfare, prolonged by the nature of the country and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected band dispersed or destroyed. The result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions, and it is to be hoped that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the Army and its capacity for prompt and active service. Its several departments have performed their functions with energy and dispatch, and the general movement was satisfactory.

Our fellow-citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia system is essential to that security which is one of the principal objects of all governments. Neither our situation nor our institutions require or permit the maintenance of a large regular force. History offers too many lessons of the fatal result of such a measure not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists and thus to engage in unnecessary wars, and its ultimate danger to public liberty will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the Republic. If in asserting rights or in repelling wrongs war should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small Army is a nucleus around which such force could be formed and embodied. But for the purposes of defense under ordinary circumstances we must rely upon the electors of the country. Those by whom and for whom the Government was instituted and is supported will constitute its protection in the hour of danger as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects and providing for a system of instruction might not be adopted is submitted to the consideration of

Congress. The Constitution has vested in the General Government an independent authority upon the subject of the militia which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration in the conviction that the state of this important arm of the public defense requires your attention.

I am happy to inform you that the wise and humane policy of transferring from the eastern to the western side of the Mississippi the remnants of our aboriginal tribes, with their own consent and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the Secretary of War and to the documents submitted with it you will see the progress which has been made since your last session in the arrangement of the various matters connected with our Indian relations. With one exception every subject involving any question of conflicting jurisdiction or of peculiar difficulty has been happily disposed of, and the conviction evidently gains ground among the Indians that their removal to the country assigned by the United States for their permanent residence furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the State of Georgia it has been found impracticable as yet to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint and to bring to a termination the difficulties in which they are involved that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They can not but have seen in these offers the evidence of the strongest disposition on the part of the Government to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claims of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the Senate of February 22, 1831.

I refer you to the annual report of the Secretary of the Navy, which accompanies this message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our Navy presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels and the buildings necessary to their preservation

and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions, contained in the annexed report, as well as others heretofore submitted to Congress, are worthy of your attention, but none more so than that urging the renewal for another term of six years of the general appropriation for the gradual improvement of the Navy.

From the accompanying report of the Postmaster-General you will also perceive that that Department continues to extend its usefulness without impairing its resources or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of Congress to the views heretofore expressed in relation to the mode of choosing the President and Vice-President of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views and with the belief that the modifications suggested on those subjects if adopted will contribute to the prosperity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out defects in the law for punishing official frauds, especially within the District of Columbia. It has been found almost impossible to bring notorious culprits to punishment, and, according to a decision of the court for this District, a prosecution is barred by a lapse of two years after the fraud has been committed. It may happen again, as it has already happened, that during the whole two years all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favor of public officers until they go out of office.

The judiciary system of the United States remains imperfect. Of the nine Western and Southwestern States three only enjoy the benefits of a circuit court. Ohio, Kentucky, and Tennessee are embraced in the general system, but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana have only district courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new States were promised equal rights and privileges when they came into the Union, and such are the guaranties of the Constitution. Nothing can be more obvious than the obligation of the General Government to place all the States on the same footing in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication it is a source of gratification to reflect that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests we may consider ourselves as just starting in our career, and after a salutary experience about to fix upon a permanent

basis the policy best calculated to promote the happiness of the people and facilitate their progress toward the most complete enjoyment of civil liberty. On an occasion so interesting and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this Government may be so administered as to preserve its efficiency in promoting and securing these general objects should be the only aim of our ambition, and we can not, therefore, too carefully examine its structure, in order that we may not mistake its powers or assume those which the people have reserved to themselves or have preferred to assign to other agents. We should bear constantly in mind the fact that the considerations which induced the framers of the Constitution to withhold from the General Government the power to regulate the great mass of the business and concerns of the people have been fully justified by experience, and that it can not now be doubted that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed upon us by the Constitution.

Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest not calculated to restrict human liberty, but to enforce human rights, this Government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehension of oppression, the free enterprise of our citizens, aided by the State sovereignties, will work out improvements and ameliorations which can not fail to demonstrate that the great truth that the people can govern themselves is not only realized in our example, but that it is done by a machinery in government so simple and economical as scarcely to be felt. That the Almighty Ruler of the Universe may so direct our deliberations and overrule our acts as to make us instrumental in securing a result so dear to mankind is my most earnest and sincere prayer.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 11, 1832.*

The PRESIDENT OF THE SENATE:

I lay before the Senate, for its consideration and advice, a treaty of amity and commerce between the United States of America and the Republic of Chili, concluded at Santiago on the 16th day of May, 1832.

ANDREW JACKSON.

WASHINGTON, *December 12, 1832.*

To the Senate:

I transmit herewith, for the consideration and advice of the Senate as to their ratification, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following tribes of Indians, viz: The Chickasaws, the Apalachicola band in Florida, the Sacs and Foxes, the Winnebagoes, the Potawatamies of Indiana and Michigan, the Potawatamies of the Wabash and Elkheart, and the Potawatamies of the Prairie.

I also transmit the report and journals of the commissioners.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

THE PRESIDENT OF THE SENATE:

A convention having been concluded at Naples on the 14th October, 1832, between the United States and the Government of the Two Sicilies, I now lay it before the Senate for its constitutional action upon it.

ANDREW JACKSON.

WASHINGTON, *December 17, 1832.*

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States "to communicate to the Senate copies of the commission appointing Samuel Gwin register of the land office at Mount Salus, in the State of Mississippi, in the recess of the Senate in 1831, and of the commission appointing the said Gwin to the same office in the recess of the Senate in 1832, and also a copy of the opinion of the Attorney-General of the United States in relation to said last-mentioned commission, and also the opinions, if any, of former Attorneys-General in similar cases, and copies of the commissions which may have issued in like cases, if any, under former Administrations," I transmit herewith the papers called for.

It may be proper to remark of the case of the navy agent, supposed to be analogous to that of Mr. Gwin, that the commissions are not usually recorded. The one transmitted, however, is the form generally observed, varied to suit the circumstances of the case, and omitting or inserting the words "by and with the advice and consent of the Senate," according to the time the appointment is made.

ANDREW JACKSON.

WASHINGTON, *December 21, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying communication from the Secretary of State, inclosing a correspondence

between him and the artist employed to execute the statue of Washington which is to be placed in the Rotunda of the Capitol.

It appears from this correspondence that the present appropriation for the execution of this work is inadequate to the object, and I therefore feel it my duty before concluding the contract to ascertain whether the additional sum recommended as proper by the Secretary of State and the terms proposed by the artist will meet the approbation of Congress.

For this purpose the papers are respectfully submitted.

ANDREW JACKSON.

WASHINGTON, *December 27, 1832.*

To the Senate and House of Representatives:

I beg leave to call the attention of Congress to the accompanying reports—one from the engineer selected under the act of the 14th July last to take charge of the survey of the bridge across the Potomac which that act authorized the President to cause to be erected, and showing, after a careful survey, the propriety of applying a part of the sum appropriated to the repairing the old bridge; the other showing the considerations which, in the opinion of the same engineer and that of General Gratiot, should determine the choice between a superstructure of wood and of iron on the same foundation of granite.

Concurring in the reasons stated by these officers for the preference of the superstructure of wood, I have adopted it accordingly, and propose to take the measures necessary for the execution of the work. Previously, however, to inviting contracts for this purpose I deem it advisable to submit the subject to Congress, in order that the necessary appropriations may be supplied.

ANDREW JACKSON.

WASHINGTON, *December 28, 1832.*

To the House of Representatives:

I have taken into consideration the resolution of the House requesting me to communicate to it, so far as in my opinion may be consistent with the public interest, "the correspondence between the Government of the United States and that of the Republic of Buenos Ayres which has resulted in the departure of the chargé d'affaires of the United States from that Republic, together with the instructions given to the said chargé d'affaires," and in answer to the said request state for the information of the House that although the chargé d'affaires of the United States has found it necessary to return, yet the negotiation between the two countries for the arrangement of the differences between them are not considered as broken off, but are suspended only until the arrival of a minister, who, it is officially announced, will be sent to this country with powers to treat on the subject.

This fact, it is believed, will justify the opinion I have formed that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House so long as the negotiation shall be pending.

ANDREW JACKSON.

WASHINGTON, *January 2, 1833.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith a report from the Secretary of State on the subject of the French ship *Pactole*, upon the cargo of which a discriminating duty seems to have been levied in 1827 by the collector at Pensacola, in contravention, as is alleged, with the convention of 1822 with France.

ANDREW JACKSON.

WASHINGTON, *January 3, 1833.*

To the House of Representatives:

I beg leave to call the attention of Congress to the accompanying report from the Secretary of State, recommending an appropriation to refund the amount of duties that have been collected in the ports of the United States on the tonnage of foreign vessels belonging to nations that have abolished in their ports discriminating duties on the vessels of the United States.

I also transmit herewith another report from the Secretary of State, stating the losses to which certain Swedish subjects allege they were exposed by the taking out of one of the ports of St. Bartholomew, in the year 1828, a vessel under the flag of the Republic of Buenos Ayres, by the commander of the United States ship *Erie*, and for the payment of which it is thought provision ought to be made by Congress.

ANDREW JACKSON.

WASHINGTON, *January 7, 1833.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives the report of the Secretary of State upon the subject of the duties on the cargo of the French ship *Pactole*, prepared in obedience to the resolution of that House of the 20th of December, 1832, which was referred to him.

ANDREW JACKSON.

To the Senate:

In compliance with the resolution of the Senate of the 28th ultimo, requesting the President of the United States to communicate to the Senate a copy of the treaty concluded at Franklin, in the State of

Tennessee, between the United States and the Chickasaw tribe of Indians, on the —— day of August, 1830, together with a copy of the instructions, if any, to the commissioner who negotiated the treaty with said tribe of Indians, bearing date the 30th day of October, 1832, I transmit herewith a report from the Secretary of War, containing the information required.

ANDREW JACKSON.

JANUARY 8, 1833.

WASHINGTON, *January 10, 1833.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of the 4th instant, requesting to be furnished with such information as the President may possess "in relation to the survey of the northern boundary of the State of Ohio under the provisions of the act of Congress passed for that purpose on the 14th of July, 1832," I transmit herewith a report from the Secretary of War containing it.

ANDREW JACKSON.

WASHINGTON, *January 14, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, treaties that have been concluded by commissioners duly appointed on the part of the United States with the following Indian tribes, viz: With the Kickapoos; with the Shawanoes and Delawares, late of Cape Gerardeau, together with stipulations with Delawares for certain private annuities; with the Pankeshaws and Peorias.

I also transmit the journal of the commissioners who negotiated these treaties.

ANDREW JACKSON.

WASHINGTON, *January 16, 1833.*

Gentlemen of the Senate and House of Representatives:

In my annual message at the commencement of your present session I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union; and although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States and the patriotism of the people, I stated that should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

WEBSTER DEMOLISHING CALHOUN'S SECESSION DOCTRINE

DANIEL WEBSTER

"In intellectual endowment, Webster surpassed all of our public men. No one understood the fundamental principles of our policy better; no one approached his wonderful power of expression. The political history of the country for twenty-seven years preceding 1850 might be written as well and fully from the speeches, state papers and letters of Webster as the story of the latter days of the Roman Republic from the like material of Cicero. Ticknor describes his sensations during one of Webster's speeches: 'I was never so excited by public speaking before in my life. Three or four times I thought my temples would burst with the gush of blood'; and, though from his youth intimate with Webster, 'when I came out I was almost afraid to come near him. It seemed to me as if he was like the mount that might not be touched and that burned with fire!'" Rhodes.

He loved his country as few men have loved it. "I am an American" was his favorite phrase. During his long public life he preached Union and Nationality, and before his keen intellect and mighty oratory the fallacies of secession and nullification dissipated like mists before the wind. When he lay on his death-bed, awaiting the final summons, his eyes dwelt lovingly on the National Emblem floating from a masthead, and at night, by the rays of a lantern placed there for him, he still watched it flutter.

Since the date of my last annual message I have had officially transmitted to me by the governor of South Carolina, which I now communicate to Congress, a copy of the ordinance passed by the convention which assembled at Columbia, in the State of South Carolina, in November last, declaring certain acts of Congress therein mentioned within the limits of that State to be absolutely null and void, and making it the duty of the legislature to pass such laws as would be necessary to carry the same into effect from and after the 1st February next.

The consequences to which this extraordinary defiance of the just authority of the Government might too surely lead were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency.

The ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress, and a hope was indulged that by frankly explaining his sentiments and the nature of those duties which the crisis would devolve upon him the authorities of South Carolina might be induced to retrace their steps. In this hope I determined to issue my proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the legislature of South Carolina which I now lay before you, and which have all and each of them finally passed after a knowledge of the desire of the Administration to modify the laws complained of, are too well calculated both in their positive enactments and in the spirit of opposition which they obviously encourage wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period neither the recommendation of the Executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to reassemble either the convention or the legislature, and it will be perceived that the interval before the 1st of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present governor of South Carolina has openly defied the authority of the Executive of the Union, and general

orders from the headquarters of the State announced his determination to accept the services of volunteers and his belief that should their country need their services they will be found at the post of honor and duty, ready to lay down their lives in her defense. Under these orders the forces referred to are directed to "hold themselves in readiness to take the field at a moment's warning," and in the city of Charleston, within a collection district, and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence if need be to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection and the influence of public opinion from the commission of actual outrage. In the present instance aggression may be regarded as committed when it is officially authorized and the means of enforcing it fully provided.

Under these circumstances there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their ordinance and laws after the 1st of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they in their wisdom may deem fit shall be seasonably provided, and that it may be thereby understood that while the Government is disposed to remove all just cause of complaint as far as may be practicable consistently with a proper regard to the interests of the community at large, it is nevertheless determined that the supremacy of the laws shall be maintained.

In making this communication it appears to me to be proper not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the Constitution requires me to make in regard to your future legislation may be better understood.

This subject having early attracted the anxious attention of the Executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws it was deemed advisable that the Secretary of the Treasury should particularly instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that State, pointing out their respective duties and enjoining upon each a firm and vigilant but discreet performance of them in the emergency then apprehended.

I herewith transmit copies of these instructions and of the letter

addressed to the district attorney, requesting his cooperation. These instructions were dictated in the hope that as the opposition to the laws by the anomalous proceeding of nullification was represented to be of a pacific nature, to be pursued substantially according to the forms of the Constitution and without resorting in any event to force or violence, the measures of its advocates would be taken in conformity with that profession, and on such supposition the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement prevailing in that quarter might lead, but it certainly was not foreseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the convention was passed, which, if complied with by the people of the State, must effectually render inoperative the present revenue laws within her limits.

That ordinance declares and ordains—

That the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States, and more especially "An act in alteration of the several acts imposing duties on imports," approved on the 19th of May, 1828, and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the 14th July, 1832, are unauthorized by the Constitution of the United States, and violate the true intent and meaning thereof, and are null and void and no law, nor binding upon the State of South Carolina, its officers and citizens; and all promises, contracts, and obligations made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

It also ordains—

That it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State, but that it shall be the duty of the legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of the State from and after the 1st of February next; and it shall be the duty of all other constituted authorities and of all other persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to this ordinance and such acts and measures of the legislature as may be passed or adopted in obedience thereto.

It further ordains—

That in no case of law or equity decided in the courts of the State wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken

or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court.

It likewise ordains—

That all persons holding any office of honor, profit, or trust, civil or military, under the State shall, within such time and in such manner as the legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned. And no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the legislature shall otherwise provide and direct, enter on the execution of his office or be in any respect competent to discharge the duties thereof until he shall in like manner have taken a similar oath; and no juror shall be empaneled in any of the courts of the State in any cause in which shall be in question this ordinance or any act of the legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance and such act or acts of the legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

The ordinance concludes:

And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States and the people of the co-States that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience, but that we will consider the passage by Congress of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government and to do all other acts and things which sovereign and independent states may of right do.

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts on the part of the authorities of that State which manifest a determination to render inevitable a resort to those measures of self-defense which the paramount duty of the Federal Government requires, but upon the adoption of which that State will proceed to execute the purpose it has avowed in this ordinance of withdrawing from the Union.

On the 27th of November the legislature assembled at Columbia, and on their meeting the governor laid before them the ordinance of the convention. In his message on that occasion he acquaints them that

"this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this Confederacy and has planted herself on her reserved rights. The rightful exercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government within the authorized grants of power to be drawn in question when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjuncture of deep and momentous interest is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people in their highest sovereignty to take care that within the limits of this State their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis is the precise amount of such enactments as may be necessary to render it utterly impossible to collect within our limits the duties imposed by the protective tariffs thus nullified."

He proceeds:

> That you should arm every citizen with a civil process by which he may claim, if he pleases, a restitution of his goods seized under the existing imposts on his giving security to abide the issue of a suit at law, and at the same time define what shall constitute treason against the State, and by a bill of pains and penalties compel obedience and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States.

The governor also asks for power to grant clearances, in violation of the laws of the Union; and to prepare for the alternative which must happen unless the United States shall passively surrender their authority, and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the governor "be authorized to accept for the defense of Charleston and its dependencies the services of 2,000 volunteers, either by companies or files," and that they be formed into a legionary brigade consisting of infantry, riflemen, cavalry, field and heavy artillery, and that they be "armed and equipped from the public arsenals completely for the field, and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the governor be authorized "to accept the services of 10,000 volunteers from the other divisions of the State, to be organized and arranged in regiments and brigades, the officers to be selected by the commander in chief, and that this whole force be called *the State guard.*"

A request has been regularly made of the secretary of state of South Carolina for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance, but up to the date of the latest advices that request had not been complied with, and on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State.

The acts to which it is deemed proper to invite the particular attention of Congress are:

First. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States purporting to be laws laying duties on the importation of foreign commodities," passed in convention of this State, at Columbia, on the 24th November, 1832.

This act provides that any goods seized or detained under pretense of securing the duties, or for the nonpayment of duties, or under any process, order, or decree, or other pretext contrary to the intent and meaning of the ordinance may be recovered by the owner or consignee by "an act of replevin;" that in case of refusing to deliver them, or removing them so that the replevin can not be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods, and if any attempt shall be made to retake or seize them it is the duty of the sheriff to recapture them; and that any person who shall disobey the process or remove the goods, or anyone who shall attempt to retake or seize the goods under pretense of securing the duties, or for nonpayment of duties, or under any process or decree contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offense involved in the act.

It also provides that any person arrested or imprisoned on any judgment or decree obtained in any Federal court for duties shall be entitled to the benefit secured by the habeas corpus act of the State in cases of unlawful arrest, and may maintain an action for damages, and that if any estate shall be sold under such judgment or decree the sale shall be held illegal. It also provides that any jailer who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and anyone who hires his house as a jail to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina."

This act provides that if the Government of the United States or any officer thereof shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the governor is authorized to resist the same and to order into service the whole or so much of

the military force of the State as he may deem necessary; and that in case of any overt act of coercion or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State or in resistance to its laws, the governor is authorized to accept the services of such volunteers and call into service such portions of the militia as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers and organizing the militia, embracing all free white males between the ages of 16 and 60, and for the purchase of arms, ordnance, and ammunition. It also declares that the power conferred on the governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the State shall be opposed and the execution thereof forcibly resisted by combinations too powerful to be suppressed by the power vested in the sheriffs and other civil officers, and declares it to be the duty of the governor in every such case to call forth such portions of the militia and volunteers as may be necessary promptly to suppress such combinations and cause the laws of the State to be executed.

No. 9 is "An act concerning the oath required by the ordinance passed in convention at Columbia on the 24th of November, 1832."

This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the legislature in pursuance thereof, and directs the time and manner of taking it by the officers of the State—civil, judiciary, and military.

It is believed that other acts have been passed embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the legislature of South Carolina; of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the governor and commander in chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures can not be defeated and overcome by the power conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defense, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union. They not only abrogate the acts of Congress commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away at once and without exception every act and every part of every act imposing any amount whatever of duty on any foreign merchandise, and virtually every existing act which has ever been passed authorizing the collection of the revenue,

including the act of 1816, and also the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown, and the Government is absolutely prohibited from collecting any part of the public revenue within the limits of that State. Henceforth, not only the citizens of South Carolina and of the United States, but the subjects of foreign states may import any description or quantity of merchandise into the ports of South Carolina without the payment of any duty whatsoever. That State is thus relieved from the payment of any part of the public burthens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that State over those of all the other States of the Union, in manifest violation of the positive provisions of the Constitution.

In point of duration, also, those aggressions upon the authority of Congress which by the ordinance are made part of the fundamental law of South Carolina are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws and by abstaining from the collection of any duties and imposts whatsoever.

It is true that in the address to the people of the United States by the convention of South Carolina, after announcing "the fixed and final determination of the State in relation to the protecting system," they say "that it remains for us to submit a plan of taxation in which we would be willing to acquiesce in a liberal spirit of concession, provided we are met in due time and in a becoming spirit by the States interested in manufactures." In the opinion of the convention, an equitable plan would be that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States."

The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and, with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed

upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true that in his message to the legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the governor of South Carolina observes that he "can not but think that on a calm and dispassionate review by Congress and the functionaries of the General Government of the true merits of this controversy the arbitration by a call of a convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of terms indicated in these two important documents, taken in connection with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the convention nor those alluded to in the message of the governor would appease the excitement which has led to the present excesses. It is obvious, however, that should the latter be insisted on they present an alternative which the General Government of itself can by no possibility grant, since by an express provision of the Constitution Congress can call a convention for the purpose of proposing amendments only "on the application of the legislatures of two-thirds of the States." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention that the conditions on which it is said in the address of the convention they "would be willing to acquiesce" form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the convention, in no binding or practical form; one is the act of the State, the other only the expression of the opinions of the members of the convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance the execution of the laws of the Union is absolutely prohibited, and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency that amid changing events and increasing excitement the sentiments of the present members of the convention and of their successors will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so

many contingencies, and are so directly opposed to the known opinions and interests of the great body of the American people as to be almost hopeless of attainment. The majority of the States and of the people will certainly not consent that the protecting duties shall be wholly abrogated, never to be reenacted at any future time or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected articles that shall be imposed upon the unprotected," which, moreover, would be severely oppressive to the poor, and in time of war would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the Government, which principle has been already recommended by the Executive as the true basis of taxation, yet it is very certain that South Carolina alone can not be permitted to decide what these constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them and the judicial proceedings for carrying them into effect, yet as the full action and operation of the ordinance are to be suspended until the 1st of February the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, that exists as to the duration of the ordinance and of the enactments for enforcing it, it becomes imperiously the duty of the Executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so as far as his agency is concerned. He can not either embrace or lead to the performance of the conditions. He has already discharged the only part in his power by the recommendation in his annual message. The rest is with Congress and the people, and until they have acted his duty will require him to look to the existing state of things and act under them according to his high obligations.

By these various proceedings, therefore, the State of South Carolina has forced the General Government, unavoidably, to decide the new and dangerous alternative of permitting a State to obstruct the execution of the laws within its limits or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State solemnly assert their right to do either and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in

their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same, since a State in which, by an usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside wants only the form to be independent of the Union.

The right of the people of a single State to absolve themselves at will and without the consent of the other States from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted and to the objects which it is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that under them the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people in every case to yield a patriotic submission.

That a State or any other great portion of the people, suffering under long and intolerable oppression and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the Government and appeal to the last resort, needs not on the present occasion be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure by all means in their power the blessings of liberty and happiness; but when for these purposes any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view it is a right dependent upon the power to enforce it. Such a right, though it may be admitted to preexist and can not be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds freely and voluntarily entered into, and in which the interest and

welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil government, involving the liberties and happiness of millions of mankind, the obligation can not be less.

Without adverting to the particular theories to which the federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal or social or national, it is sufficient that it must be admitted to be a compact and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand and obedience exacted on the other; a compact freely, voluntarily, and solemnly entered into by the several States and ratified by the people thereof, respectively; a compact by which the several States and the people thereof, respectively, have bound themselves to each other and to the Federal Government, and by which the Federal Government is bound to the several States and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent, and to the whole and every part of it they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound and should be required to contribute their portion of the public expense, and to submit to all laws made by the common consent, in pursuance of the Constitution, for the common defense and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the Government and of the Union. Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation, and for nothing less can the Government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other States and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the Government and every department thereof. It will be freely conceded that by the principles of our system all power is vested in the people, but to be exercised in the mode and subject to the checks which the people themselves have prescribed. These checks are undoubtedly only different modifications of the same great popular principle which lies at the foundation of the whole, but are not on that account to be less regarded or less obligatory.

Upon the power of Congress, the veto of the Executive and the authority of the judiciary, which is to extend to all cases in law and equity arising under the Constitution and laws of the United States made in pursuance thereof, are the obvious checks, and the sound action of

public opinion, with the ultimate power of amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact by the measures of the Government can affect the obligations of the parties, it can not even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the Federal Government exercise powers not warranted by the Constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such undoubtedly is the remedy for those who deem the acts of Congress laying duties and imposts, and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A State is absolutely prohibited from laying imposts or duties on imports or exports without the consent of Congress, and can not become a party under these laws without importing in her own name or wrongfully interposing her authority against them. By thus interposing, however, she can not rightfully obstruct the operation of the laws upon individuals. For their disobedience to or violation of the laws the ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offense against the laws, he could not set up in justification of his act a law of the State, which, being unconstitutional, would therefore be regarded as null and void. The law of a State can not authorize the commission of a crime against the United States or any other act which, according to the supreme law of the Union, would be otherwise unlawful; and it is equally clear that if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation or to procure relief by an amendment of the Constitution. But the measures of the Government are to be recognized as valid, and consequently supreme, until these remedies shall have been effectually tried, and any attempt to subvert those measures or to render the laws subordinate to State authority, and afterwards to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "a *government of unlimited powers*," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the Government and all its parts absolutely depends. South Carolina has appealed to none of these remedies, but in effect has defied them all. While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the Constitution has provided for all cases in law or equity arising under the Constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared

and fitted for the purpose of enforcing the acts passed by the State to obstruct those laws, and both the judges and jurors of which will be bound by the import of oaths previously taken to treat the Constitution and laws of the United States in this respect as a nullity. Nor has the State made the proper appeal to public opinion and to the remedy of amendment; for without waiting to learn whether the other States will consent to a convention, or if they do will construe or amend the Constitution to suit her views, she has of her own authority altered the import of that instrument and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own cause, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union in this emergency, it can not be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these States, should be great and lasting, defying all other remedy. For causes of minor character the Government could not submit to such a catastrophe without a violation of its most sacred obligations to the other States of the Union who have submitted their destiny to its hands.

There is in the present instance no such cause, either in the degree of misrule or oppression complained of or in the hopelessness of redress by constitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify, or even palliate, such a resort can be justly imputed either to the present policy or past measures of the Federal Government.

The same mode of collecting duties, and for the same general objects, which began with the foundation of the Government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American Revolution, have continually gone hand in hand, and at all times and in every instance no tax of any kind has been imposed without their participation, and, in some instances which have been complained of, with the express assent of a part of the representatives of South Carolina in the councils of the Government. Up to the present period no revenue has been raised beyond the necessary wants of the country and the authorized expenditures of the Government; and as soon as the burthen of the public debt is removed those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system thus pursued has resulted in no such oppression upon South Carolina needs no other proof than the solemn and official declaration of the late chief magistrate of that State in his address to the legislature. In that he says that—

> The occurrences of the past year, in connection with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of Human Events; that tributes of grateful acknowledgment are due for the various and multiplied blessings He has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health almost beyond former precedent has blessed our homes, and that there is not less reason for thankfulness in surveying our social condition.

It would indeed be difficult to imagine oppression where in the social condition of a people there was equal cause of thankfulness as for abundant harvests and varied and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation that South Carolina still claims to be a component part of the Union, to participate in the national councils and to share in the public benefits without contributing to the public burdens, thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs the duty of the Government seems to be plain. It inculcates a recognition of that State as a member of the Union and subject to its authority, a vindication of the just power of the Constitution, the preservation of the integrity of the Union, and the execution of the laws by all constitutional means.

The Constitution, which his oath of office obliges him to support, declares that the Executive "*shall take care that the laws be faithfully executed*," and in providing that he shall from time to time give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provision for executing the laws as may from time to time be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof," and also to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present the duties of the Government become the measure of its powers, and whenever it fails to exercise a power necessary and proper to the discharge of the duty prescribed by the Constitution it violates the public trusts not less than it would if

transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the Government to be contemned and its laws obstructed by a single State, would neither comport with its own safety nor the rights of the great body of the American people.

It being thus shown to be the duty of the Executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal and what it may be proper further to provide.

In the instructions of the Secretary of the Treasury to the collectors in South Carolina the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition as is to be commenced after the 1st of February next.

Subsequently to the date of these instructions and to the passage of the ordinance, information has been received from sources entitled to be relied on that owing to the popular excitement in the State and the effect of the ordinance declaring the execution of the revenue laws unlawful a sufficient number of persons in whom confidence might be placed could not be induced to accept the office of inspector to oppose with any probability of success the force which will no doubt be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs, and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney was deemed a measure of necessary precaution, and though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution can not be observed in regard to the ports of Georgetown and Beaufort, each of which under the present laws remains a port of entry and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which by the existing laws they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody is the process of replevin and that of *capias in withernam*, in the nature of a distress from the State tribunals organized by the ordinance.

Against the proceeding in the nature of a distress it is not perceived that the collector can interpose any resistance whatever, and against the

process of replevin authorized by the law of the State he, having no common-law power, can only oppose such inspectors as he is by statute authorized and may find it practicable to employ, and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves must therefore be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the State tribunals to administer the law according to their oath under the Constitution and the regulations of the laws of the Union, the General Government might have been content to look to them for maintaining the custody and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the State would be irregular and unauthorized. It has been decided by the Supreme Court of the United States that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a State authority which, by taking the thing seized out of the hands of the United States officer, might obstruct the exercise of this jurisdiction is unlawful; that in such case the court of the United States having cognizance of the seizure may enforce a redelivery of the thing by attachment or other summary process; that the question under such a seizure whether a forfeiture has been actually incurred belongs exclusively to the courts of the United States, and it depends on the final decree whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful and without probable cause by the courts of the United States can the party proceed at common law for damages in the State courts.

But by making it "unlawful for any of the constituted authorities, whether of the United States or of the State, to enforce the laws for the payment of duties, and declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts are and shall be held utterly null and void," she has in effect abrogated the judicial tribunals within her limits in this respect, has virtually denied the United States access to the courts established by their own laws, and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these she has substituted those State tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union and enforce those only of South Carolina, and thus deprived of the function essential to the judicial character of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals thus constituted

can be respected consistently with the supremacy of the laws or the rights and security of the citizen. If they be submitted to, the protection due from the Government to its officers and citizens is withheld, and there is at once an end not only to the laws, but to the Union itself.

Against such a force as the sheriff may, and which by the replevin law of South Carolina it is his duty to exercise, it can not be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States courts against those engaged in the unlawful proceeding, or the property might be seized for a violation of the revenue laws, and, being libeled in the proper courts, an order might be made for its redelivery, which would be committed to the marshal for execution. But in that case the fourth section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to redeliver the goods, as the case may be," "even under any process, order, or decrees, or other pretext contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and for that purpose, if need be, to employ the whole power of the county. And the act expressly reserves to him all power which, independently of its provisions, he could have used. In this reservation it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ is nothing less than the *posse comitatus* in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is in its character forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish by their forcible aid what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and in its origin was conferred upon the sheriffs of England to enable them to defend their county against any of the King's enemies when they came into the land, as well as for the purpose of executing process. In early and less civilized times it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes the right of going with arms and military equipment, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the States to perform militia duty. If the principles of the common law are recognized in South Carolina (and from this act it would seem they are), the power of summoning the *posse comitatus* will compel, under the penalty of fine and imprisonment, every man over the age of 15, and able to travel, to turn out at the call of the sheriff, and with such weapons as may be necessary; and it may justify beating,

and even killing, such as may resist. The use of the *posse comitatus* is therefore a direct application of force, and can not be otherwise regarded than as the employment of the whole militia force of the county, and in an equally efficient form under a different name. No proceeding which resorts to this power to the extent contemplated by the act can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey, though by the aid only of the ordinary officers of the customs, the process of replevin, the collector and all concerned are subjected to a further proceeding in the nature of a distress of their personal effects, and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than $1,000 nor more than $5,000 and to imprisonment not exceeding two years and not less than six months; and for even attempting to execute the order of the court for retaking the property the marshal and all assisting would be guilty of a misdemeanor and liable to a fine of not less than $3,000 nor more than $10,000 and to imprisonment not exceeding two years nor less than one; and in case the goods should be retaken under such process it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that in the face of these penalties, aided by the powerful force of the county, which would doubtless be brought to sustain the State officers, either that the collector would retain the custody in the first instance or that the marshal could summon sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and of the State (unless the latter be passively submitted to) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives would be scarcely avoidable.

Under these circumstances and the provisions of the acts of South Carolina the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the State, and the collection of the revenue would be more effectually secured—if, indeed, it can be done in any other way—by placing the custom-house beyond the immediate power of the county.

For this purpose it might be proper to provide that whenever by any unlawful combination or obstruction in any State or in any port it should become impracticable faithfully to collect the duties, the President of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within some port or harbor of such State, and in such cases it should be the duty of the collector to reside at such

place, and to detain all vessels and cargoes until the duties imposed by law should be properly secured or paid in cash, deducting interest; that in such cases it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs unless by process from the ordinary judicial tribunals of the United States, and that in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs it should be lawful to protect the possession of the officers by the employment of the land and naval forces and militia, under provisions similar to those authorized by the eleventh section of the act of the 9th of January, 1809.

This provision, however, would not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions in the tribunals of the State which might thereafter be brought against them, nor would it protect their property from the proceeding by distress, and it may well be apprehended that it would be insufficient to insure a proper respect to the process of the constitutional tribunals in prosecutions for offenses against the United States and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the Government to that portion of the people of South Carolina against outrage and oppression of any kind who may manifest their attachment and yield obedience to the laws of the Union.

It may therefore be desirable to revive, with some modifications better adapted to the occasion, the sixth section of the act of the 3d March, 1815, which expired on the 4th March, 1817, by the limitation of that of 27th April, 1816, and to provide that in any case where suit shall be brought against any individual in the courts of the State for any act done under the laws of the United States he should be authorized to remove the said cause by petition into the circuit court of the United States without any copy of the record, and that the court should proceed to hear and determine the same as if it had been originally instituted therein; and that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance and laws of South Carolina in pursuance thereof redress may be sought in the courts of the United States. It may be expedient also, by modifying the resolution of the 3d March, 1791, to authorize the marshals to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting as they do for the most part rather of a revival of the policy of former acts called for by the existing emergency than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respected or enforced. It is believed these would prove adequate unless the military forces of the State of South Carolina authorized by the late act of the legislature should be actually embodied and called out in aid

of their proceedings and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms to adapt the act of 1795 to the present emergency, as by that act the provisions of the law of 1792 were accommodated to the crisis then existing, and by conferring authority upon the President to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any State, or by the courts of the United States, that within the limits of such State the laws of the United States will be openly opposed and their execution obstructed by the actual employment of military force, or by any unlawful means whatsoever too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the Government to perform its duty and to cooperate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary than in preserving the good order of society and in the maintenance of well-regulated liberty.

While a forbearing spirit may, and I trust will, be exercised toward the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed by our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the eventful scenes of the Revolution and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a Government of laws and a Federal Union founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the Government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called to decide whether these laws possess any force and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people can not be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which in this conjuncture is devolved upon me. That a similar spirit will actuate the representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of Nations may so guide your deliberations and our joint measures as that they may prove

salutary examples not only to the present but to future times, and solemnly proclaim that the Constitution and the laws are supreme and the *Union indissoluble.*

ANDREW JACKSON.

WASHINGTON, *January 16, 1833.*

To the Senate:

In conformity with a resolution of the Senate of the 31st December last, I herewith transmit copies of the instructions under which the late treaty of indemnity with Naples was negotiated, and of all the correspondence relative thereto.

It will appear evident from a perusal of some of those documents that they are written by the agents of the United States to their own Government with a freedom, as far as relates to the officers of that of Naples, which was never intended for the public eye, and as they might, if printed, accidentally find their way abroad and thereby embarrass our ministers in their future operations in foreign countries, I respectfully recommend that in the printing, if deemed necessary, such a discrimination be made as to avoid that inconvenience, preferring this course to withholding from the Senate any part of the correspondence.

ANDREW JACKSON.

WASHINGTON, *January 17, 1833.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In conformity with a resolution of the House of Representatives of the 11th December last, I herewith transmit "such portions as have not heretofore been communicated of the instructions given to our ministers in France on the subject of claims for spoliations since September, 1800, and of the correspondence of said ministers with the French Government and with the Secretary of State of the United States on the same subject."

ANDREW JACKSON.

WASHINGTON, *January 22, 1833.*

To the Senate:

Having received on yesterday certified copies of the acts passed by the State of South Carolina to carry into effect her ordinance of nullification, which were referred to in my message of the 16th instant to Congress, I now transmit them.

As but one copy of these acts was sent to me, I am prevented from communicating them by a joint message to the two Houses of Congress.

ANDREW JACKSON.

WASHINGTON, *January 23, 1833.*

The PRESIDENT OF THE SENATE:

A treaty of peace, friendship, and amity between the United States and the King of the Belgians having this day been concluded by the plenipotentiaries of the respective countries, I herewith transmit it to the Senate for its consideration.

ANDREW JACKSON.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit to the House of Representatives a report of the Secretary of State, with a list of appointments made by the Executive since the 13th of April, 1826, from members of Congress during their term of service and for twelve months thereafter, pursuant to the resolution of the said House of the 26th of December, 1832, which I referred to him, and which appointments are recorded in his office. I send likewise a list of similar appointments, also furnished by the Secretary of State and of record in his office, from the 3d of March, 1825, to the 13th of April, 1826.

ANDREW JACKSON.

JANUARY 23, 1833.

To the House of Representatives:

I send herewith a convention concluded on the 14th day of October last between the United States and His Majesty the King of the Two Sicilies. This treaty has been ratified by me agreeably to the Constitution, and the ratification will be dispatched to Naples without delay, when there is no doubt it will be ratified by His Sicilian Majesty.

The early communication of this treaty is deemed proper because it will be necessary to provide for the execution of the first article in order that our fellow-citizens may with as little delay as possible obtain the compensation stipulated for by this convention.

ANDREW JACKSON.

JANUARY 24, 1833.

WASHINGTON, *January 25, 1833.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith, for the information of Congress, the report of the officer to whom was intrusted the inspection of the works for the improvement of the navigation of the Ohio and Mississippi rivers.

ANDREW JACKSON.

WASHINGTON, *January 29, 1833.*

To the House of Representatives:

I herewith transmit to the House of Representatives a report from the Postmaster-General, which I request may be considered as forming a

part of my message of the 23d instant, in answer to the resolution calling for a list of all appointments made by the Executive since the 13th April, 1826, from the members of Congress during their term of service and for twelve months thereafter, etc.

ANDREW JACKSON.

WASHINGTON, *February 7, 1833.*

To the Senate and House of Representatives:

I transmit, for the consideration of Congress, a report from the Secretary of State, on the subject of our diplomatic intercourse with foreign nations.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833.*

To the Senate:

In compliance with the resolution of the Senate requesting the President of the United States to lay before it "copies of the orders which have been given to the commanding officers of the military forces assembled in and near to the city of Charleston, S. C., and also copies of the orders which have been given to the commander of the naval forces assembled in the harbor of Charleston, particularly such orders, if any such have been given, to resist the constituted authorities of the State of South Carolina within the limits of said State," I transmit herewith papers, numbered from 1 to 17, inclusive, embracing the orders which have been given to the commanding officers of the land and naval forces assembled in and near the city of Charleston and within the limits of the State of South Carolina, and which relate to the military operations in that quarter. No order has at any time been given in any manner inconsistent therewith. There is a part, however, of the letter of the Secretary of War dated December 3, 1832, omitted, which, being conditional in its character, and not relating to the operation of the troops, it is deemed improper in the present state of the service to communicate.

No order has been at any time given "to resist" the constituted authorities of the State of South Carolina within the chartered limits of said State.

ANDREW JACKSON.

WASHINGTON, *February 12, 1833.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty recently concluded between the commissioners for adjusting all differences with the Indians west of the Mississippi and the mixed band of Shawnese and Senecas who emigrated from Ohio. I transmit also the journal of their proceedings.

ANDREW JACKSON.

To the Senate:

WASHINGTON, *February 15, 1833.*

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, articles of agreement supplemental to the treaty of February 8, 1831, between the commissioner on the part of the United States and the Menominee tribe of Indians, with the assent of the New York Indians.

I transmit also the journal of proceedings.

ANDREW JACKSON.

WASHINGTON, *February 19, 1833.*

To the Senate:

The renomination of Samuel Gwin to be register of the land office at Mount Salus, in the State of Mississippi, having been on the 16th of July last laid upon the table of the Senate, with a resolution declaring that it was not the intention of the Senate to take any proceeding in regard to it during that session, a vacancy in the office was found existing in the recess, which the public service required to be filled, and which was filled by the appointment of Samuel Gwin. I therefore nominate the said Gwin to the same office.

In addition to the papers which were transmitted with his nomination at the last session, I have received others from the most respectable sources in the State of Mississippi, bearing the fullest testimony to his fitness for the office in question. Of this character are the two now inclosed, signed by members of the convention recently assembled to revise the constitution of the State, and also by many members of its present legislature. They also show that the appointment of Mr. Gwin would be acceptable to the great body of the people interested in the office.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833.*

To the House of Representatives:

I transmit herewith, for the consideration of the House, a letter from General Lafayette to the Secretary of State, with the petition which came inclosed in it of the Countess d'Ambrugeac and Madame de la Gorée, granddaughter of Marshal Count Rochambeau, and original documents in support thereof, praying compensation for services rendered by the Count to the United States during the Revolutionary war, together with translations of the same; and I transmit with the same view the petition of Messrs. De Fontenille de Jeaumont and De Rossignol Grandmont, praying compensation for services rendered by them to the United States in the French army, and during the same war, with original papers in support thereof, all received through the same channel, together with translations of the same.

ANDREW JACKSON.

WASHINGTON, *February 22, 1833.*

To the Senate of the United States:

I transmit to the Senate, for its advice and consent as to the ratification of the same, a treaty of commerce and navigation between the United States and Russia, concluded and signed at St. Petersburg on the 18th of December, 1832, by the plenipotentiaries of the two parties, with an additional article to the same, concluded and signed on the same day, together with an extract from the dispatch of the minister of the United States at St. Petersburg to the Secretary of State, communicating the said treaty and additional article.

ANDREW JACKSON.

WASHINGTON, *February 26, 1833.*

To the Senate:

I transmit herewith, for the advice and consent of the Senate as to the ratification of the same, a treaty concluded with the Ottawa Indians residing on the Miami of Lake Erie on the 18th instant by the commissioners on the part of the United States.

ANDREW JACKSON.

WASHINGTON, *March 2, 1833.*

To the Senate:

I transmit herewith, for the consideration of the Senate, a report from the Secretary of State, in relation to the consular establishment of the United States.

ANDREW JACKSON.

WASHINGTON, *March 2, 1833.*

To the Senate:

I have made several nominations to offices located within the limits of the State of Mississippi which have not received the approbation of the Senate. Inferring that these nominations have been rejected in pursuance of a resolution adopted by the Senate on the 3d of February, 1831, "that it is inexpedient to appoint a citizen of one State to an office which may be vacated or become vacant in any other State of the Union within which such citizen does not reside, without some evident necessity for such appointment," and regarding that resolution, in effect, as an unconstitutional restraint upon the authority of the President in relation to appointments to office, I think it proper to inform the Senate that I shall feel it my duty to abstain from any further attempt to fill the offices in question.

ANDREW JACKSON.

The PRESIDENT OF THE SENATE:

In compliance with a resolution of the Senate passed the 1st instant, requesting "that the President inform the Senate, if not incompatible with the public interest, what negotiation has been had since the last session of Congress with Great Britain in relation to the northeastern boundary of the United States, and the progress and result thereof; also whether any arrangement, stipulation, or agreement has at any time been made between the Executive of the United States and the government of the State of Maine, or by commissioners or agents on the part of the United States and that State, having reference to any proposed transfer or relinquishment of their right of jurisdiction and territory belonging to that State, together with all documents, correspondence, and communications in relation thereto," I inform the Senate that overtures for opening a negotiation for the settlement of the boundary between the United States and the British provinces have been made to the Government of Great Britain since the last session, but that no definitive answer has yet been received to these propositions, and that a conditional arrangement has been made between commissioners appointed by me and others named by the governor of Maine, with the authority of its legislature, which can not take effect without the sanction of Congress and of the legislature aforesaid, and which will be communicated to them as soon as the contingency in which alone it was intended to operate shall happen. In the meantime it is not deemed compatible with the public interest that it should be communicated.

ANDREW JACKSON.

MARCH 2, 1833.

VETO MESSAGES.*

WASHINGTON, *December 6, 1832.*

To the Senate of the United States:

I avail myself of this early opportunity to return to the Senate, in which it originated, the bill entitled "An act providing for the final settlement of the claims of States for interest on advances to the United States made during the last war," with the reasons which induced me to withhold my approbation, in consequence of which it has failed to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle in the allowance of interest different from that which had been sanctioned by the practice of the accounting officers or by the previous

*Pocket Vetoes.

legislation of Congress in regard to the advances by the States, and without any apparent grounds for the change.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the Government, and which in its consequences and from analogy might not only call for large payments from the Treasury, but disturb the great mass of individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of your last session. I adopted this course the more readily from the consideration that as the bill contained no appropriation the States which would have been entitled to claim its benefits could not have received them without the fuller legislation of Congress.

The principle which this bill authorizes varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts and in those of the States finally settled and closed previously to your last session, but also from that pursued under the act of your last session for the adjustment and settlement of the claims of the State of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of Congress in previous cases and with the uniform practice of the Auditor by whom the account was settled, was computed on the sums expended by the State of South Carolina for the use and benefit of the United States, and which had been repaid to the State; and the payments made by the United States were deducted from the principal sums, exclusive of the interest, thereby stopping future interest on so much of the principal as had been reimbursed by the payment.

I deem it proper, moreover, to observe that both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the accounts between the United States and the individual States arising out of the war of the Revolution, the interest on those accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations I return the bill to the Senate.

ANDREW JACKSON.

To the House of Representatives: DECEMBER 6, 1832.

In addition to the general views I have heretofore expressed to Congress on the subject of internal improvement, it is my duty to advert to it again in stating my objections to the bill entitled "An act for the improvement of certain harbors and the navigation of certain rivers," which was not received a sufficient time before the close of the last session to enable me to examine it before the adjournment.

Having maturely considered that bill within the time allowed me by the Constitution, and being convinced that some of its provisions

conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature, and it has therefore failed to become a law.

To facilitate as far as I can the intelligent action of Congress upon the subjects embraced in this bill, I transmit herewith a report from the Engineer Department, distinguishing, as far as the information within its possession would enable it, between those appropriations which do and those which do not conflict with the rules by which my conduct in this respect has hitherto been governed. By that report it will be seen that there is a class of appropriations in the bill for the improvement of streams that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by law, or have any ascertained connection with the usual establishments for the security of commerce, external or internal.

It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements, and that I could not, therefore, approve a bill containing them without receding from the positions taken in my veto of the Maysville road bill, and afterwards in my annual message of December 6, 1830.

It is to be regretted that the rules by which the classification of the improvements in this bill has been made by the Engineer Department are not more definite and certain, and that embarrassments may not always be avoided by the observance of them, but as neither my own reflection nor the lights derived from other sources have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the power with which I am invested to avoid evils and to effect the greatest attainable good for our common country I feel that I may trust to your cordial cooperation, and the experience of the past leaves me no room to doubt the liberal indulgence and favorable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the Government may select, and losing sight of the distinctions between national and local character which I had stated would be my future guide on the subject, I should have cheerfully signed the bill.

ANDREW JACKSON.

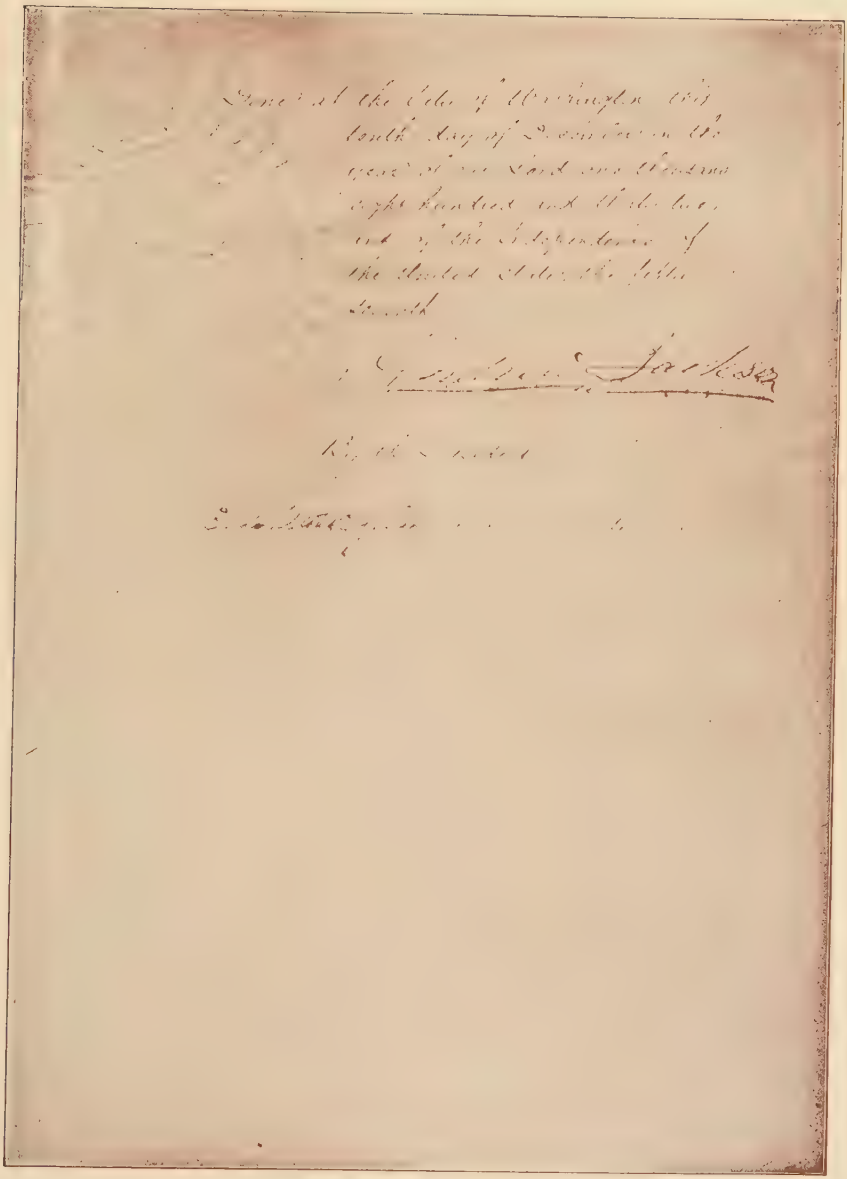
PROCLAMATION.

By Andrew Jackson, President of the United States.

Whereas a convention assembled in the State of South Carolina have passed an ordinance by which they declare "that the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts for the same purposes passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void and no law," nor binding on the citizens of that State or its officers; and by the said ordinance it is further declared to be unlawful for any of the constituted authorities of the State or of the United States to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance; and

Whereas by the said ordinance it is further ordained that in no case of law or equity decided in the courts of said State wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for contempt of court; and, finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard, and that they will consider the passage of any act by Congress abolishing or closing the ports of the said State or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union, and that the people of the said State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate government and do all other acts and things which sovereign and independent states may of right do; and

Whereas the said ordinance prescribes to the people of South Carolina a course of conduct in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union—



PRESIDENT JACKSON'S SIGNATURE ON A STATE DOCUMENT.

CARTOON ON ANDREW JACKSON'S CAMPAIGN FOR HIS SECOND TERM, PICTURING HIS POWER OF CONTROLLING MEN AGAINST THEIR OWN WILL.

that Union which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence; that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home and high consideration abroad rarely, if ever, equaled in the history of nations:

To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this my proclamation, stating my views of the Constitution and laws applicable to the measures adopted by the convention of South Carolina and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now or may hereafter be invested for preserving the peace of the Union and for the execution of the laws; but the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures while there is a hope that anything will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit its execution; that they may do this consistently with the Constitution; that the true construction of that instrument permits a State to retain its place in the Union and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law it must be palpably contrary to the Constitution; but it is evident that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws; for as by the theory there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress? There is, however, a restraint in

this last case which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the judiciary, the other to the people and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact, in express terms, declares that the laws of the United States, its Constitution, and treaties made under it are the supreme law of the land, and, for greater caution, adds "that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." And it may be asserted without fear of refutation that no federative government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port; and no revenue could be collected anywhere, for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law so long as the question of its legality is to be decided by the State itself, for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and nonintercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those States discovered that they had the right now claimed by South Carolina. The war into which we were forced to support the dignity of the nation and the rights of our citizens might have ended in defeat and disgrace, instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defense, and before the declaration of independence we were known in our aggregate character as *the United Colonies of America*. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of our Confederation were reduced to form it was in that of a solemn league of several States, by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that Union is found an article which declares that "every State shall abide by the determinations of Congress on all questions which by that Confederation should be submitted to them."

Under the Confederation, then, no State could legally annul a decision of the Congress or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the Confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble, made in the name and by the authority of the people of the United States, whose delegates framed and whose conventions approved it. The most important among these objects—that which is placed first in rank, on which all the others rest—is "*to form a more perfect union.*" Now, is it possible that even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the States, can it be conceived that an instrument made for the purpose of "*forming a more perfect union*" than that of the Confederation could be so constructed by the assembled wisdom of our country as to substitute for that Confederation a form of government dependent for its existence on the local interest, the party spirit, of a State, or of a prevailing faction in a State? Every man of plain, unsophisticated understanding who hears the question will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one State, *incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.*

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds: It assumes as a fact that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional; that the operation of these laws is unequal; that the amount raised by them is greater than is required by the wants of the Government; and, finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country and a threat of seceding from the Union if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the Constitution to lay and collect imposts; but its constitutionality is drawn in question from the *motives* of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose entertained by the members who assent to a law enacted under a constitutional power shall make that law void. For how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed, in how many cases are they concealed by false professions, in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any State for that cause, then, indeed, is the Federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union; we have received it as the work of the assembled wisdom of the nation; we have trusted to it as to the sheet anchor of our safety in the stormy times of conflict with a foreign or domestic foe; we have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here and our hopes of happiness hereafter in its defense and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing—a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory the work of the profound statesmen, the exalted

patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the States deliberately ratify, such an anomaly in the history of fundamental legislation? No; we were not mistaken. The letter of this great instrument is free from this radical fault. Its language directly contradicts the imputation; its spirit, its evident intent, contradicts it. No; we did not err. Our Constitution does not contain the absurdity of giving power to make laws and another to resist them. The sages whose memory will always be reverenced have given us a practical and, as they hoped, a permanent constitutional compact. The Father of his Country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them or that they could exercise it by implication. Search the debates in all their conventions, examine the speeches of the most zealous opposers of Federal authority, look at the amendments that were proposed; they are all silent—not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the States, or to show that implication, as is now contended, could defeat it. No; we have not erred. The Constitution is still the object of our reverence, the bond of our Union, our defense in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of State prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the ordinance to these laws are that the sums intended to be raised by them are greater than are required and that the proceeds will be unconstitutionally employed.

The Constitution has given, expressly, to Congress the right of raising revenue and of determining the sum the public exigencies will require. The States have no control over the exercise of this right other than that which results from the power of changing the representatives who abuse it, and thus procure redress. Congress may undoubtedly abuse this discretionary power; but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The Constitution has given it to the representatives of all the people, checked by the representatives of the States and by the Executive power. The South Carolina construction gives it to the legislature or the convention of a single State, where neither the people of the different States, nor the States in their separate capacity, nor the Chief Magistrate elected by the people have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow-citizens, which is the constitutional disposition; that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last

resort? Would you add a clause giving it to each of the States, or would you sanction the wise provisions already made by your Constitution? If this should be the result of your deliberations when providing for the future, are you, can you, be ready to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the States, and that we should soon cease to be a nation.

The ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would with more propriety be reserved for the law so applying the proceeds, but surely can not be urged against the laws levying the duty.

These are the allegations contained in the ordinance. Examine them seriously, my fellow-citizens; judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course which you are directed to pursue. Review these objections and the conclusions drawn from them once more. What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue and each State have a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and the General Government by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises; in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws and that Constitution shall be the "supreme law of the land, and that the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding;" in vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! if a bare majority of the voters in any one State may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation; say, here it gives too

little, there, too much, and operates unequally; here it suffers articles to be free that ought to be taxed; there it taxes those that ought to be free; in this case the proceeds are intended to be applied to purposes which we do not approve; in that, the amount raised is more than is wanted. Congress, it is true, are invested by the Constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the representatives of all the States and of all the people of all the States. But *we*, part of the people of one State, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away; *we*, who have solemnly agreed that this Constitution shall be our law; *we*, most of whom have sworn to support it—*we* now abrogate this law and swear, and force others to swear, that it shall not be obeyed; and we do this not because Congress have no right to pass such laws—this we do not allege—but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know; from their unequal operation, although it is impossible, from the nature of things, that they should be equal; and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals in express terms an important part of the Constitution itself and of laws passed to give it effect, which have never been alleged to be unconstitutional.

The Constitution declares that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution, and treaties shall be paramount to the State constitutions and laws. The judiciary act prescribes the mode by which the case may be brought before a court of the United States by appeal when a State tribunal shall decide against this provision of the Constitution. The ordinance declares there shall be no appeal—makes the State law paramount to the Constitution and laws of the United States, forces judges and jurors to swear that they will disregard their provisions, and even makes it penal in a suitor to attempt relief by appeal. It further declares that it shall not be lawful for the authorities of the United States or of that State to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States who have preserved their whole sovereignty and therefore are subject to no superior; that because they made the compact they can break it when in their opinion it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction show it to be a Government in which the people of all the States, collectively, are represented. We are *one people* in the choice of President and Vice-President. Here the States have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice-President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State; nor are they accountable to it for any act done in the performance of their legislative functions; and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a *government*, not a league; and whether it be formed by compact between the States or in any other manner, its character is the same. It is a Government in which all the people are represented, which operates directly on the people individually, not upon the States; they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, can not, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union is to say that the United States are not a nation, because it would be a solecism to

contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error or to deceive those who are willing to assert a right, but would pause before they made a revolution or incur the penalties consequent on a failure.

Because the Union was formed by a compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it; but it is precisely because it is a compact that they can not. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt; if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations generally has no sanction other than a moral one; or if it should contain a penalty, as there is no common superior it can not be enforced. A government, on the contrary, always has a sanction, express or implied; and in our case it is both necessarily implied and expressly given. An attempt, by force of arms, to destroy a government is an offense, by whatever means the constitutional compact may have been formed; and such government has the right by the law of self-defense to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add anything to show the nature of that union which connects us, but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further development to my views on this subject. No one, fellow-citizens, has a higher reverence for the reserved rights of the States than the Magistrate who now addresses you. No one would make greater personal sacrifices or official exertions to defend them from violation; but equal care must be taken to prevent, on their part, an improper interference with or resumption of the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they

have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these important purposes were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States; they became American citizens and owed obedience to the Constitution of the United States and to laws made in conformity with the powers it vested in Congress. This last position has not been and can not be denied. How, then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it and whose magistrates are sworn to disregard those laws when they come in conflict with those passed by another? What shows conclusively that the States can not be said to have reserved an undivided sovereignty is that they expressly ceded the right to punish treason—not treason against their separate power, but treason against the United States. Treason is an offense against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have, for their common interest, made the General Government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the royal Government we had no separate character; our opposition to its oppressions began as *united colonies*. We were the *United States* under the Confederation, and the name was perpetuated and the Union rendered more perfect by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defense. How, then, with all these proofs that under all changes of our position we had, for designated purposes and with defined powers, created national governments, how is it that the most perfect of those several modes of union should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league, but it is labored to prove it a compact (which in one sense it is) and then to argue that as a league is a compact every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown that in this sense the States are not sovereign, and that even if they were, and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States who magnanimously surrendered their title to the territories of the West recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf for their own benefit? Shall there be a free port in one State and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils contrary to engagements solemnly made. Everyone must see that the other States, in self-defense, must oppose it at all hazards.

These are the alternatives that are presented by the convention—a repeal of all the acts for raising revenue, leaving the Government without the means of support, or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known, if force was applied to oppose the execution of the laws, that it must be repelled by force; that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition; and yet if this is not done in a given day, or if any attempt is made to execute the laws, the State is by the ordinance declared to be out of the Union. The majority of a convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the governor of the State speaks of the submission of their grievances to a convention of all the States, which, he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a general convention to the other States, and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that "on a review by Congress and the functionaries of the General Government of the merits of the controversy" such a convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a convention unless it be demanded by two-thirds of the States. This suggestion, then, is another instance of the reckless inattention to the provisions of the Constitution with which this crisis has been madly hurried on, or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a general convention to consider their complaints, why have they not made application for it in the way the Constitution points out?

The assertion that they "earnestly seek" it is completely negatived by the omission.

This, then, is the position in which we stand: A small majority of the citizens of one State in the Union have elected delegates to a State convention; that convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The governor of that State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended. And it is the intent of this instrument to *proclaim*, not only that the duty imposed on me by the Constitution "to take care that the laws be faithfully executed" shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and intrust to me for that purpose, but to warn the citizens of South Carolina who have been deluded into an opposition to the laws of the danger they will incur by obedience to the illegal and disorganizing ordinance of the convention; to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country; and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow-citizens of my native State, let me not only admonish you, as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretenses you have been led on to the brink of insurrection and treason on which you stand. First, a diminution of the value of your staple commodity, lowered by overproduction in other quarters, and the consequent diminution in the value of your lands were the sole effect of the tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe—that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage and that resistance to them was equal in patriotic merit to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably, might be constitutionally, made; that you might enjoy all the advantages of the Union and bear none of its burthens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury,

were used to prepare you for the period when the mask which concealed the hideous features of *disunion* should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state; look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive. It was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy. This character which was given to it made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppressive effects. Mark, my fellow-citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification. What is the meaning of the word *palpable* in the sense in which it is here used? That which is apparent to everyone; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties answer the question; and let them choose whether they will be considered as incapable then of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavoring to mislead you now. In either case they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our Revolutionary fathers, nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally, passed; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun a change in public opinion had commenced. The nearly approaching payment of the public debt and the consequent necessity of a diminution of duties had already produced a considerable reduction, and that, too, on some articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burthens was to be expected at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part. Consider its Government, uniting in one bond of common interest and general protection so many different States, giving to all their inhabitants the proud title of *American citizen*, protecting their commerce, securing their literature and their arts, facilitating their intercommunication, defending their frontiers, and making their name respected in the remotest parts of the earth. Consider the extent of its territory, its increasing and happy population, its advance in arts which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, morality, and general information into every cottage in this wide extent of our Territories and States. Behold it as the asylum where the wretched and the oppressed find a refuge and support. Look on this picture of happiness and honor and say, *We too are citizens of America*. Carolina is one of these proud States; her arms have defended, her best blood has cemented, this happy Union. And then add, if you can, without horror and remorse, This happy Union we will dissolve; this picture of peace and prosperity we will deface; this free intercourse we will interrupt; these fertile fields we will deluge with blood; the protection of that glorious flag we renounce; the very name of Americans we discard. And for what, mistaken men? For what do you throw away these inestimable blessings? For what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home? Are you free from the apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every day suffering some new revolution or contending with some new insurrection, do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you can not succeed. The laws of the United States must be executed. I have no discretionary power on the subject; my duty is emphatically pronounced in the Constitution. Those who told you that you might peaceably prevent their execution deceived you; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion. But be not deceived by names. Disunion by armed force is *treason*. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences; on their heads be the dishonor, but on yours may fall the punishment. On your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your

country. It can not accede to the mad project of disunion, of which you would be the first victims. Its First Magistrate can not, if he would, avoid the performance of his duty. The consequence must be fearful for you, distressing to your fellow-citizens here and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal; it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your Revolutionary history will not abandon that Union to support which so many of them fought and bled and died. I adjure you, as you honor their memory, as you love the cause of freedom, to which they dedicated their lives, as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its convention; bid its members to reassemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor. Tell them that compared to disunion all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country. Its destroyers you can not be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability; but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder.

Fellow-citizens of the United States, the threat of unhallowed disunion, the names of those once respected by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend. The conjuncture demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our Government and the construction I give to the instrument by which it was created seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws, to preserve the Union by all constitutional means, to arrest, if possible, by moderate and firm measures the necessity of a recourse to

force; and if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow-citizens, the momentous case is before you. On your undivided support of your Government depends the decision of the great question it involves—whether your sacred Union will be preserved and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defense will transmit them unimpaired and invigorated to our children.

May the Great Ruler of Nations grant that the signal blessings with which He has favored ours may not, by the madness of party or personal ambition, be disregarded and lost; and may His wise providence bring those who have produced this crisis to see the folly before they feel the misery of civil strife, and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, He has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

[SEAL.] Done at the city of Washington, this 10th day of December, A. D. 1832, and of the Independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President:

EDW. LIVINGSTON,

Secretary of State.

ERRATA.

[The following papers were found too late for insertion in Vol. I.]

LETTER FROM THE PRESIDENT ELECT.

[From Annals of Congress, Fourth Congress, second session, 1544.]

The Vice-President laid before the Senate the following communication:

Gentlemen of the Senate:

In consequence of the declaration made yesterday in the Chamber of the House of Representatives of the election of a President and Vice-President of the United States, the record of which has just now been read from your journal by your secretary, I have judged it proper to give notice that on the 4th of March next, at 12 o'clock, I propose to attend again in the Chamber of the House of Representatives, in order to take the oath prescribed by the Constitution of the United States to be taken by the President, to be administered by the Chief Justice or such other judge of the Supreme Court of the United States as can most conveniently attend, and, in case none of those judges can attend, by the judge of the district of Pennsylvania, before such Senators and Representatives of the United States as may find it convenient to honor the transaction with their presence.

[JOHN ADAMS.]

FEBRUARY 9, 1797.

PROCLAMATION.

[From Annals of Congress, Fifth Congress, Vol. I, 620.]

UNITED STATES, *July 16, 1798.*

The President of the United States to ——, *Senator for the State of* ——:

Certain matters touching the public good requiring that the session of the Senate for executive business should be continued, and that the members thereof should convene on Tuesday, the 17th day of July instant, you are desired to attend at the Senate Chamber, in Philadelphia, on that day, at 10 o'clock in the forenoon, then and there to receive and deliberate on such communications as shall be made to you on my part.

JOHN ADAMS.

PROCLAMATION.

[From Miscellaneous Letters, Department of State, vol. 24.]

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of the act of Congress passed on the 16th July, 1798, entitled "An act for erecting a light-house at Gayhead, on Marthas Vineyard, and for other purposes," and an act which passed the legislature of Massachusetts on the 22d February, 1799, entitled "An act to cede to the United States a tract of land at Gayhead for a light-house," the following tract of land, situate at Gayhead, on the western part of Marthas Vineyard, in Dukes County, State of Massachusetts, is designated as the land ceded to the United States by the aforesaid act of the legislature of Massachusetts for the purpose of erecting a light-house, to wit: Beginning at a stake and heap of stones (1 rod from the edge of the cliff of said head), thence east 11 degrees south 18 rods to a stake and heap of stones; thence south 11 degrees west 18 rods to a stake and heap of stones; thence west 11 degrees north 18 rods to a stake and heap of stones; thence north 11 degrees east to the first-mentioned bound, containing 2 acres and 4 rods.

In witness whereof I have caused the seal of the United States of America to be hereto affixed, and signed the same with my [SEAL.] hand, at Philadelphia, on the 1st day of July, 1799, and in the twenty-third year of the Independence of the said States.

JOHN ADAMS.

By the President:

TIMOTHY PICKERING,

Secretary of State.

O

Andrew Jackson

March 4, 1833, to March 4, 1837

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

Andrew Jackson

SECOND INAUGURAL ADDRESS.

FELLOW-CITIZENS: The will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude. It shall be displayed to the extent of my humble abilities in continued efforts so to administer the Government as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years which have necessarily called forth—sometimes under circumstances the most delicate and painful—my views of the principles and policy which ought to be pursued by the General Government that I need on this occasion but allude to a few leading considerations connected with some of them.

The foreign policy adopted by our Government soon after the formation of our present Constitution, and very generally pursued by successive Administrations, has been crowned with almost complete success, and has elevated our character among the nations of the earth. To do justice to all and to submit to wrong from none has been during my Administration its governing maxim, and so happy have been its results that we are not only at peace with all the world, but have few causes of controversy, and those of minor importance, remaining unadjusted.

In the domestic policy of this Government there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States

and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the General Government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfill the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the States or tend to consolidate all political power in the General Government. But of equal, and, indeed, of incalculable, importance is the union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the General Government in the exercise of its just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved; without union they never can be maintained. Divided into twenty-four, or even a smaller number, of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to support armies and navies, and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness, must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our Republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our federal system of government. Great is the stake placed in our hands; great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it and learn wisdom from the lessons they inculcate.

Deeply impressed with the truth of these observations, and under the obligation of that solemn oath which I am about to take, I shall continue to exert all my faculties to maintain the just powers of the Constitution and to transmit unimpaired to posterity the blessings of our Federal Union. At the same time, it will be my aim to inculcate by my official acts the necessity of exercising by the General Government those powers only that are clearly delegated; to encourage simplicity and economy in the expenditures of the Government; to raise no more money from the people than may be requisite for these objects, and in a manner that will best promote the interests of all classes of the community and of all portions of the Union. Constantly bearing in mind that in entering into society "individuals must give up a share of liberty to preserve the rest," it will be my desire so to discharge my duties as to foster with our brethren in all parts of the country a spirit of liberal concession and compromise, and, by reconciling our fellow-citizens to those partial sacrifices which they must unavoidably make for the preservation of a greater good, to recommend our invaluable Government and Union to the confidence and affections of the American people.

Finally, it is my most fervent prayer to that Almighty Being before whom I now stand, and who has kept us in His hands from the infancy of our Republic to the present day, that He will so overrule all my intentions and actions and inspire the hearts of my fellow-citizens that we may be preserved from dangers of all kinds and continue forever a united and happy people.

MARCH 4, 1833.

REMOVAL OF THE PUBLIC DEPOSITS.

[Read to the Cabinet September 18, 1833.]

Having carefully and anxiously considered all the facts and arguments which have been submitted to him relative to a removal of the public deposits from the Bank of the United States, the President deems it his duty to communicate in this manner to his Cabinet the final conclusions of his own mind and the reasons on which they are founded, in order to put them in durable form and to prevent misconceptions.

The President's convictions of the dangerous tendencies of the Bank of the United States, since signally illustrated by its own acts, were so overpowering when he entered on the duties of Chief Magistrate that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its recharter. The

opinions expressed in his annual message of December, 1829, were reiterated in those of December, 1830 and 1831, and in that of 1830 he threw out for consideration some suggestions in relation to a substitute. At the session of 1831–32 an act was passed by a majority of both Houses of Congress rechartering the present bank, upon which the President felt it his duty to put his constitutional veto. In his message returning that act he repeated and enlarged upon the principles and views briefly asserted in his annual message, declaring the bank to be, in his opinion, both inexpedient and unconstitutional, and announcing to his countrymen very unequivocally his firm determination never to sanction by his approval the continuance of that institution or the establishment of any other upon similar principles.

There are strong reasons for believing that the motive of the bank in asking for a recharter at that session of Congress was to make it a leading question in the election of a President of the United States the ensuing November, and all steps deemed necessary were taken to procure from the people a reversal of the President's decision.

Although the charter was approaching its termination, and the bank was aware that it was the intention of the Government to use the public deposit as fast as it has accrued in the payment of the public debt, yet did it extend its loans from January, 1831, to May, 1832, from $42,402,304.24 to $70,428,070.72, being an increase of $28,025,766.48 in sixteen months. It is confidently believed that the leading object of this immense extension of its loans was to bring as large a portion of the people as possible under its power and influence, and it has been disclosed that some of the largest sums were granted on very unusual terms to the conductors of the public press. In some of these cases the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

Having taken these preliminary steps to obtain control over public opinion, the bank came into Congress and asked a new charter. The object avowed by many of the advocates of the bank was to *put the President to the test*, that the country might know his final determination relative to the bank prior to the ensuing election. Many documents and articles were printed and circulated at the expense of the bank to bring the people to a favorable decision upon its pretensions. Those whom the bank appears to have made its debtors for the special occasion were warned of the ruin which awaited them should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce and the general loss, inconvenience, and distress which it was represented would immediately follow the reelection of the President in opposition to the bank.

Can it now be said that the question of a recharter of the bank was

not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground; if it had merely taken exceptions to the details of the bill or to the time of its passage; if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the bank as being both unconstitutional and inexpedient. On that ground the case was argued to the people; and now that the people have sustained the President, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinions of others, the President considers his reelection as a decision of the people against the bank. In the concluding paragraph of his veto message he said:

> I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me ample grounds for contentment and peace.

He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision so far as it depends upon him.

Of all the substitutes for the present bank which have been suggested, none seems to have united any considerable portion of the public in its favor. Most of them are liable to the same constitutional objections for which the present bank has been condemned, and perhaps to all there are strong objections on the score of expediency. In ridding the country of an irresponsible power which has attempted to control the Government, care must be taken not to unite the same power with the executive branch. To give a President the control over the currency and the power over individuals now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and as dangerous as to leave it as it is. Neither one nor the other is necessary, and therefore ought not to be resorted to.

On the whole, the President considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the legislative power for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States are to be performed after its charter shall expire.

The existing laws declare that—

> The deposits of the money of the United States in places in which the said bank and branches thereof may be established shall be made in said bank or branches

thereof unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction.

The power of the Secretary of the Treasury over the deposits is *unqualified*. The provision that he shall report his reasons to Congress is no limitation. Had it not been inserted he would have been responsible to Congress had he made a removal for any other than good reasons, and his responsibility now ceases upon the rendition of sufficient ones to Congress. The only object of the provision is to make his reasons accessible to Congress and enable that body the more readily to judge of their soundness and purity, and thereupon to make such further provision by law as the legislative power may think proper in relation to the deposit of the public money. Those reasons may be very diversified. It was asserted by the Secretary of the Treasury, without contradiction, as early as 1817, that he had power "to control the proceedings" of the Bank of the United States at any moment "by changing the deposits to the State banks" should it pursue an illiberal course toward those institutions; that "the Secretary of the Treasury will always be disposed to support the credit of the State banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit;" and he asserted a right to employ the State banks when the Bank of the United States should refuse to receive on deposit the notes of such State banks as the public interest required should be received in payment of the public dues. In several instances he did transfer the public deposits to State banks in the immediate vicinity of branches, for reasons connected only with the safety of those banks, the public convenience, and the interests of the Treasury.

If it was lawful for Mr. Crawford, the Secretary of the Treasury at that time, to act on these principles, it will be difficult to discover any sound reason against the application of similar principles in still stronger cases. And it is a matter of surprise that a power which in the infancy of the bank was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury should now be gravely questioned, and attempts made to excite and alarm the public mind as if some new and unheard-of power was about to be usurped by the executive branch of the Government.

It is but a little more than two and a half years to the termination of the charter of the present bank. It is considered as the decision of the country that it shall then cease to exist, and no man, the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress.

To the Treasury Department is intrusted the safe-keeping and faithful application of the public moneys. A plan of collection different from the present must therefore be introduced and put in complete

operation before the dissolution of the present bank. When shall it be commenced? Shall no step be taken in this essential concern until the charter expires and the Treasury finds itself without an agent, its accounts in confusion, with no depository for its funds, and the whole business of the Government deranged, or shall it be delayed until six months, or a year, or two years before the expiration of the charter? It is obvious that any new system which may be substituted in the place of the Bank of the United States could not be suddenly carried into effect on the termination of its existence without serious inconvenience to the Government and the people. Its vast amount of notes are then to be redeemed and withdrawn from circulation and its immense debt collected. These operations must be gradual, otherwise much suffering and distress will be brought upon the community.

It ought to be not a work of months only, but of years, and the President thinks it can not, with due attention to the interests of the people, be longer postponed. It is safer to begin it too soon than to delay it too long.

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States, and the President would have felt himself relieved from a heavy and painful responsibility if in the charter to the bank Congress had reserved to itself the power of directing at its pleasure the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the Executive Departments. It is useless now to inquire why this high and important power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President presumes that the charter to the bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations; and by the terms of that contract the public money is to be deposited in the bank during the continuance of its charter unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, for they can not add a new clause to the charter or strike one out of it without the consent of the bank, and consequently the public money must remain in that institution to the last hour of its existence unless the Secretary of the Treasury shall remove it at an earlier day. The responsibility is thus thrown upon the executive branch of the Government of deciding how long before the expiration of the charter the public interest will require the deposits to be placed elsewhere; and although according to the frame and principle of our Government this decision would seem more properly to belong to the legislative power, yet as the law has imposed it upon the executive department the duty ought to be faithfully and firmly met, and the decision made and executed upon the best lights that can be obtained and the best judgment that can be formed.

It would ill become the executive branch of the Government to shrink from any duty which the law imposes on it, to fix upon others the responsibility which justly belongs to itself. And while the President anxiously wishes to abstain from the exercise of doubtful powers and to avoid all interference with the rights and duties of others, he must yet with unshaken constancy discharge his own obligations, and can not allow himself to turn aside in order to avoid any responsibility which the high trust with which he has been honored requires him to encounter; and it being the duty of one of the Executive Departments to decide in the first instance, subject to the future action of the legislative power, whether the public deposits shall remain in the Bank of the United States until the end of its existence or be withdrawn some time before, the President has felt himself bound to examine the question carefully and deliberately in order to make up his judgment on the subject, and in his opinion the near approach of the termination of the charter and the public considerations heretofore mentioned are of themselves amply sufficient to justify the removal of the deposits, without reference to the conduct of the bank or their safety in its keeping.

But in the conduct of the bank may be found other reasons, very imperative in their character, and which require prompt action. Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds, its interference in elections, its efforts by the machinery of committees to deprive the Government directors of a full knowledge of its concerns, and, above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the bank, including the money of the Government, at the disposition of the president of the bank as means of operating upon public opinion and procuring a new charter, without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts which justify these charges, and which have come to the knowledge of the public and the President, will, he thinks, remove every reasonable doubt as to the course which it is now the duty of the President to pursue.

We have seen that in sixteen months ending in May, 1832, the bank had extended its loans more than $28,000,000, although it knew the Government intended to appropriate most of its large deposit during that year in payment of the public debt. It was in May, 1832, that its loans arrived at the maximum, and in the preceding March so sensible was the bank that it would not be able to pay over the public deposit when it would be required by the Government that it commenced a secret negotiation, without the approbation or knowledge of the Government, with the agents for about $2,700,000 of the 3 per cent stocks held in Holland, with a view of inducing them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the bank to keep and use during that time the public money set apart for the payment of these stocks.

After this negotiation had commenced, the Secretary of the Treasury informed the bank that it was his intention to pay off one-half of the 3 percents on the 1st of the succeeding July, which amounted to about $6,500,000. The president of the bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the bank was desirous of accommodating the importing merchants at New York (which it failed to do) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding 1st of October.

Conscious that at the end of that quarter the bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was dispatched to England secretly to negotiate with the holders of the public debt in Europe and induce them by the offer of an equal or higher interest than that paid by the Government to hold back their claims for one year, during which the bank expected thus to retain the use of $5,000,000 of the public money, which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then, and not before, so much of it as was palpably in violation of the charter was disavowed. A modification of the rest was attempted with the view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the bank was partially successful, but to this day the certificates of a portion of these stocks have not been paid and the bank retains the use of the money.

This effort to thwart the Government in the payment of the public debt that it might retain the public money to be used for their private interests, palliated by pretenses notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified proved that no reliance could be placed upon its allegations.

If the question of a removal of the deposits presented itself to the Executive in the same attitude that it appeared before the House of Representatives at their last session, their resolution in relation to the safety of the deposits would be entitled to more weight, although the decision of the question of removal has been confided by law to another department of the Government. But the question now occurs attended by other circumstances and new disclosures of the most serious import. It is true that in the message of the President which produced this inquiry and resolution on the part of the House of Representatives it was his object

to obtain the aid of that body in making a thorough examination into the conduct and condition of the bank and its branches in order to enable the executive department to decide whether the public money was longer safe in its hands. The limited power of the Secretary of the Treasury over the subject disabled him from making the investigation as fully and satisfactorily as it could be done by a committee of the House of Representatives, and hence the President desired the assistance of Congress to obtain for the Treasury Department a full knowledge of all the facts which were necessary to guide his judgment. But it was not his purpose, as the language of his message will show, to ask the representatives of the people to assume a responsibility which did not belong to them and relieve the executive branch of the Government from the duty which the law had imposed upon it. It is due to the President that his object in that proceeding should be distinctly understood, and that he should acquit himself of all suspicion of seeking to escape from the performance of his own duties or of desiring to interpose another body between himself and the people in order to avoid a measure which he is called upon to meet. But although as an act of justice to himself he disclaims any design of soliciting the opinion of the House of Representatives in relation to his own duties in order to shelter himself from responsibility under the sanction of their counsel, yet he is at all times ready to listen to the suggestions of the representatives of the people, whether given voluntarily or upon solicitation, and to consider them with the profound respect to which all will admit that they are justly entitled. Whatever may be the consequences, however, to himself, he must finally form his own judgment where the Constitution and the law make it his duty to decide, and must act accordingly; and he is bound to suppose that such a course on his part will never be regarded by that elevated body as a mark of disrespect to itself, but that they will, on the contrary, esteem it the strongest evidence he can give of his fixed resolution conscientiously to discharge his duty to them and the country.

A new state of things has, however, arisen since the close of the last session of Congress, and evidence has since been laid before the President which he is persuaded would have led the House of Representatives to a different conclusion if it had come to their knowledge. The fact that the bank controls, and in some cases substantially *owns*, and by its money *supports* some of the leading presses of the country is now more clearly established. Editors to whom it loaned extravagant sums in 1831 and 1832, on unusual time and nominal security, have since turned out to be insolvent, and to others apparently in no better condition accommodations still more extravagant, on terms more unusual, and some without any security, have also been heedlessly granted.

The allegation which has so often circulated through these channels that the Treasury was bankrupt and the bank was sustaining it, when for many years there has not been less, on an average, than six millions

of public money in that institution, might be passed over as a harmless misrepresentation; but when it is attempted by substantial acts to impair the credit of the Government and tarnish the honor of the country, such charges require more serious attention. With six millions of public money in its vaults, after having had the use of from five to twelve millions for nine years without interest, it became the purchaser of a bill drawn by our Government on that of France for about $900,000, being the first installment of the French indemnity. The purchase money was left in the use of the bank, being simply added to the Treasury deposit. The bank sold the bill in England, and the holder sent it to France for collection, and arrangements not having been made by the French Government for its payment, it was taken up by the agents of the bank in Paris with the funds of the bank in their hands. Under these circumstances it has through its organs openly assailed the credit of the Government, and has actually made and persists in a demand of 15 per cent, or $158,842.77, as damages, when no damage, or none beyond some trifling expense, has in fact been sustained, and when the bank had in its own possession on deposit several millions of the public money which it was then using for its own profit. Is a fiscal agent of the Government which thus seeks to enrich itself at the expense of the public worthy of further trust?

There are other important facts not in the contemplation of the House of Representatives or not known to the members at the time they voted for the resolution.

Although the charter and the rules of the bank both declare that "not less than seven directors" shall be necessary to the transaction of business, yet the most important business, even that of granting discounts to any extent, is intrusted to a committee of five members, who do not report to the board.

To cut off all means of communication with the Government in relation to its most important acts at the commencement of the present year, not one of the Government directors was placed on any one committee; and although since, by an unusual remodeling of those bodies, some of those directors have been placed on some of the committees, they are yet entirely excluded from the committee of exchange, through which the greatest and most objectionable loans have been made.

When the Government directors made an effort to bring back the business of the bank to the board in obedience to the charter and the existing regulations, the board not only overruled their attempt, but altered the rule so as to make it conform to the practice, in direct violation of one of the most important provisions of the charter which gave them existence.

It has long been known that the president of the bank, by his single will, originates and executes many of the most important measures connected with the management and credit of the bank, and that the

committee as well as the board of directors are left in entire ignorance of many acts done and correspondence carried on in their names, and apparently under their authority. The fact has been recently disclosed that an unlimited discretion has been and is now vested in the president of the bank to expend its funds in payment for preparing and circulating articles and purchasing pamphlets and newspapers, calculated by their contents to operate on elections and secure a renewal of its charter. It appears from the official report of the public directors that on the 30th November, 1830, the president submitted to the board an article published in the American Quarterly Review containing favorable notices of the bank, and suggested the expediency of giving it a wider circulation at the expense of the bank; whereupon the board passed the following resolution, viz:

Resolved, That the president be authorized to take such measures in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interest of the bank.

By an entry in the minutes of the bank dated March 11, 1831, it appears that the president had not only caused a large edition of that article to be issued, but had also, before the resolution of 30th November was adopted, procured to be printed and widely circulated numerous copies of the reports of General Smith and Mr. McDuffie in favor of the bank; and on that day he suggested the expediency of extending his power to the printing of other articles which might subserve the purposes of the institution, whereupon the following resolution was adopted, viz:

Resolved, That the president is hereby authorized to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank.

The expenditures purporting to have been made under authority of these resolutions during the years 1831 and 1832 were about $80,000. For a portion of these expenditures vouchers were rendered, from which it appears that they were incurred in the purchase of some hundred thousand copies of newspapers, reports and speeches made in Congress, reviews of the veto message and reviews of speeches against the bank, etc. For another large portion no vouchers whatever were rendered, but the various sums were paid on orders of the president of the bank, making reference to the resolution of the 11th of March, 1831.

On ascertaining these facts and perceiving that expenditures of a similar character were still continued, the Government directors a few weeks ago offered a resolution in the board calling for a specific account of these expenditures, showing the objects to which they had been applied and the persons to whom the money had been paid. This reasonable proposition was voted down.

They also offered a resolution rescinding the resolutions of November, 1830, and March, 1831. This also was rejected.

Not content with thus refusing to recall the obnoxious power or even to require such an account of the expenditure as would show whether the money of the bank had in fact been applied to the objects contemplated by these resolutions, as obnoxious as they were, the board renewed the power already conferred, and even enjoined renewed attention to its exercise by adopting the following in lieu of the propositions submitted by the Government directors, viz:

Resolved, That the board have confidence in the wisdom and integrity of the president and in the propriety of the resolutions of 30th November, 1830, and 11th March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions, and that the president be authorized and requested to continue his exertions for the promotion of said object.

Taken in connection with the nature of the expenditures heretofore made, as recently disclosed, which the board not only tolerate, but approve, this resolution puts the funds of the bank at the disposition of the president for the purpose of employing the whole press of the country in the service of the bank, to hire writers and newspapers, and to pay out such sums as he pleases to what person and for what services he pleases without the responsibility of rendering any specific account. The bank is thus converted into a vast electioneering engine, with means to embroil the country in deadly feuds, and, under cover of expenditures in themselves improper, extend its corruption through all the ramifications of society.

Some of the items for which accounts have been rendered show the construction which has been given to the resolutions and the way in which the power it confers has been exerted. The money has not been expended merely in the publication and distribution of speeches, reports of committees, or articles written for the purpose of showing the constitutionality or usefulness of the bank, but publications have been prepared and extensively circulated containing the grossest invectives against the officers of the Government, and the money which belongs to the stockholders and to the public has been freely applied in efforts to degrade in public estimation those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. As the president of the bank has not been required to settle his accounts, no one but himself knows how much more than the sum already mentioned may have been squandered, and for which a credit may hereafter be claimed in his account under this most extraordinary resolution. With these facts before us can we be surprised at the torrent of abuse incessantly poured out against all who are supposed to stand in the way of the cupidity or ambition of the Bank of the United States? Can we be surprised at sudden and unexpected changes of opinion in favor of an institution which has millions to lavish and avows its determination not to spare its means when they are necessary to accomplish its purposes? The refusal to render an account of the manner in which a part of the

money expended has been applied gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent and virtuous people. Those who act justly do not shun the light, nor do they refuse explanations when the propriety of their conduct is brought into question.

With these facts before him in an official report from the Government directors, the President would feel that he was not only responsible for all the abuses and corruptions the bank has committed or may commit, but almost an accomplice in a conspiracy against that Government which he has sworn honestly to administer, if he did not take every step within his constitutional and legal power likely to be efficient in putting an end to these enormities. If it be possible within the scope of human affairs to find a reason for removing the Government deposits and leaving the bank to its own resource for the means of effecting its criminal designs, we have it here. Was it expected when the moneys of the United States were directed to be placed in that bank that they would be put under the control of one man empowered to spend millions without rendering a voucher or specifying the object? Can they be considered safe with the evidence before us that tens of thousands have been spent for highly improper, if not corrupt, purposes, and that the same motive may lead to the expenditure of hundreds of thousands, and even millions, more? And can we justify ourselves to the people by longer lending to it the money and power of the Government to be employed for such purposes?

It has been alleged by some as an objection to the removal of the deposits that the bank has the power, and in that event will have the disposition, to destroy the State banks employed by the Government, and bring distress upon the country. It has been the fortune of the President to encounter dangers which were represented as equally alarming, and he has seen them vanish before resolution and energy. Pictures equally appalling were paraded before him when this bank came to demand a new charter. But what was the result? Has the country been ruined, or even distressed? Was it ever more prosperous than since that act? The President verily believes the bank has not the power to produce the calamities its friends threaten. The funds of the Government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade, and if the Bank of the United States curtails its loans the State banks, strengthened by the public deposits, will extend theirs. What comes in through one bank will go out through others, and the equilibrium will be preserved. Should the bank, for the mere purpose of producing distress, press its debtors more heavily than some of them can bear, the consequences will recoil upon itself, and in the attempts to embarrass the country it will only bring loss and ruin upon the holders of its own stock. But if the President believed the bank possessed all the power which has been attributed to it, his determination would only be rendered the more inflexible. If, indeed, this

corporation now holds in its hands the happiness and prosperity of the American people, it is high time to take the alarm. If the despotism be already upon us and our only safety is in the mercy of the despot, recent developments in relation to his designs and the means he employs show how necessary it is to shake it off. The struggle can never come with less distress to the people or under more favorable auspices than at the present moment.

All doubt as to the willingness of the State banks to undertake the service of the Government to the same extent and on the same terms as it is now performed by the Bank of the United States is put to rest by the report of the agent recently employed to collect information, and from that willingness their own safety in the operation may be confidently inferred. Knowing their own resources better than they can be known by others, it is not to be supposed that they would be willing to place themselves in a situation which they can not occupy without danger of annihilation or embarrassment. The only consideration applies to the safety of the public funds if deposited in those institutions, and when it is seen that the directors of many of them are not only willing to pledge the character and capital of the corporations in giving success to this measure, but also their own property and reputation, we can not doubt that they at least believe the public deposits would be safe in their management. The President thinks that these facts and circumstances afford as strong a guaranty as can be had in human affairs for the safety of the public funds and the practicability of a new system of collection and disbursement through the agency of the State banks.

From all these considerations the President thinks that the State banks ought immediately to be employed in the collection and disbursement of the public revenue, and the funds now in the Bank of the United States drawn out with all convenient dispatch. The safety of the public moneys if deposited in the State banks must be secured beyond all reasonable doubts; but the extent and nature of the security, in addition to their capital, if any be deemed necessary, is a subject of detail to which the Treasury Department will undoubtedly give its anxious attention. The banks to be employed must remit the moneys of the Government without charge, as the Bank of the United States now does; must render all the services which that bank now performs; must keep the Government advised of their situation by periodical returns; in fine, in any arrangement with the State banks the Government must not in any respect be placed on a worse footing than it now is. The President is happy to perceive by the report of the agent that the banks which he has consulted have, in general, consented to perform the service on these terms, and that those in New York have further agreed to make payments in London without other charge than the mere cost of the bills of exchange.

It should also be enjoined upon any banks which may be employed that it will be expected of them to facilitate domestic exchanges for

the benefit of internal commerce; to grant all reasonable facilities to the payers of the revenue; to exercise the utmost liberality toward the other State banks, and do nothing uselessly to embarrass the Bank of the United States.

As one of the most serious objections to the Bank of the United States is the power which it concentrates, care must be taken in finding other agents for the service of the Treasury not to raise up another power equally formidable. Although it would probably be impossible to produce such a result by any organization of the State banks which could be devised, yet it is desirable to avoid even the appearance. To this end it would be expedient to assume no more power over them and interfere no more in their affairs than might be absolutely necessary to the security of the public deposit and the faithful performance of their duties as agents of the Treasury. Any interference by them in the political contests of the country with a view to influence elections ought, in the opinion of the President, to be followed by an immediate discharge from the public service.

It is the desire of the President that the control of the banks and the currency shall, as far as possible, be entirely separated from the political power of the country as well as wrested from an institution which has already attempted to subject the Government to its will. In his opinion the action of the General Government on this subject ought not to extend beyond the grant in the Constitution, which only authorizes Congress "to coin money and regulate the value thereof;" all else belongs to the States and the people, and must be regulated by public opinion and the interests of trade.

In conclusion, the President must be permitted to remark that he looks upon the pending question as of higher consideration than the mere transfer of a sum of money from one bank to another. Its decision may affect the character of our Government for ages to come. Should the bank be suffered longer to use the public moneys in the accomplishment of its purposes, with the proofs of its faithlessness and corruption before our eyes, the patriotic among our citizens will despair of success in struggling against its power, and we shall be responsible for entailing it upon our country forever. Viewing it as a question of transcendent importance, both in the principles and consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved by the Constitution and the suffrages of the American people the duty of superintending the operation of the Executive Departments of the Government and seeing that the laws are faithfully executed. In the performance of this high trust it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the Government his opinion of their

duties under circumstances as they arise. It is this right which he now exercises. Far be it from him to expect or require that any member of the Cabinet should at his request, order, or dictation do any act which he believes unlawful or in his conscience condemns. From them and from his fellow-citizens in general he desires only that aid and support which their reason approves and their conscience sanctions.

In the remarks he has made on this all-important question he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest deeply affecting the character and usefulness of his Administration, and not a spirit of dictation, which the President would be as careful to avoid as ready to resist. Happy will he be if the facts now disclosed produce uniformity of opinion and unity of action among the members of the Administration.

The President again repeats that he begs his Cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed after the most mature deliberation and reflection as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless. Under these convictions he feels that a measure so important to the American people can not be commenced too soon, and he therefore names the 1st day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made.

ANDREW JACKSON.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1833.

Fellow-Citizens of the Senate and House of Representatives:

On your assembling to perform the high trusts which the people of the United States have confided to you, of legislating for their common welfare, it gives me pleasure to congratulate you upon the happy condition of our beloved country. By the favor of Divine Providence health is again restored to us, peace reigns within our borders, abundance crowns the labors of our fields, commerce and domestic industry flourish and increase, and individual happiness rewards the private virtue and enterprise of our citizens.

Our condition abroad is no less honorable than it is prosperous at home. Seeking nothing that is not right and determined to submit to nothing

that is wrong, but desiring honest friendships and liberal intercourse with all nations, the United States have gained throughout the world the confidence and respect which are due to a policy so just and so congenial to the character of the American people and to the spirit of their institutions.

In bringing to your notice the particular state of our foreign affairs, it affords me high gratification to inform you that they are in a condition which promises the continuance of friendship with all nations.

With Great Britain the interesting question of our northeastern boundary remains still undecided. A negotiation, however, upon that subject has been renewed since the close of the last Congress, and a proposition has been submitted to the British Government with the view of establishing, in conformity with the resolution of the Senate, the line designated by the treaty of 1783. Though no definitive answer has been received, it may be daily looked for, and I entertain a hope that the overture may ultimately lead to a satisfactory adjustment of this important matter.

I have the satisfaction to inform you that a negotiation which, by desire of the House of Representatives, was opened some years ago with the British Government, for the erection of light-houses on the Bahamas, has been successful. Those works, when completed, together with those which the United States have constructed on the western side of the Gulf of Florida, will contribute essentially to the safety of navigation in that sea. This joint participation in establishments interesting to humanity and beneficial to commerce is worthy of two enlightened nations, and indicates feelings which can not fail to have a happy influence upon their political relations. It is gratifying to the friends of both to perceive that the intercourse between the two people is becoming daily more extensive, and that sentiments of mutual good will have grown up befitting their common origin and justifying the hope that by wise counsels on each side not only unsettled questions may be satisfactorily terminated, but new causes of misunderstanding prevented.

Notwithstanding that I continue to receive the most amicable assurances from the Government of France, and that in all other respects the most friendly relations exist between the United States and that Government, it is to be regretted that the stipulations of the convention concluded on the 4th July, 1831, remain in some important parts unfulfilled.

By the second article of that convention it was stipulated that the sum payable to the United States should be paid at Paris, in six annual installments, into the hands of such person or persons as should be authorized by the Government of the United States to receive it, and by the same article the first installment was payable on the 2d day of February, 1833. By the act of Congress of the 13th July, 1832, it was made the duty of the Secretary of the Treasury to cause the several installments, with the interest thereon, to be received from the French Govern-

ment and transferred to the United States in such manner as he may deem best; and by the same act of Congress the stipulations on the part of the United States in the convention were in all respects fulfilled. Not doubting that a treaty thus made and ratified by the two Governments, and faithfully executed by the United States, would be promptly complied with by the other party, and desiring to avoid the risk and expense of intermediate agencies, the Secretary of the Treasury deemed it advisable to receive and transfer the first installment by means of a draft upon the French minister of finance. A draft for this purpose was accordingly drawn in favor of the cashier of the Bank of the United States for the amount accruing to the United States out of the first installment, and the interest payable with it. This bill was not drawn at Washington until five days after the installment was payable at Paris, and was accompanied by a special authority from the President authorizing the cashier or his assigns to receive the amount. The mode thus adopted of receiving the installment was officially made known to the French Government by the American chargé d'affaires at Paris, pursuant to instructions from the Department of State. The bill, however, though not presented for payment until the 23d day of March, was not paid, and for the reason assigned by the French minister of finance that no appropriation had been made by the French Chambers. It is not known to me that up to that period any appropriation had been required of the Chambers, and although a communication was subsequently made to the Chambers by direction of the King, recommending that the necessary provision should be made for carrying the convention into effect, it was at an advanced period of the session, and the subject was finally postponed until the next meeting of the Chambers.

Notwithstanding it has been supposed by the French ministry that the financial stipulations of the treaty can not be carried into effect without an appropriation by the Chambers, it appears to me to be not only consistent with the character of France, but due to the character of both Governments, as well as to the rights of our citizens, to treat the convention, made and ratified in proper form, as pledging the good faith of the French Government for its execution, and as imposing upon each department an obligation to fulfill it; and I have received assurances through our chargé d'affaires at Paris and the French minister plenipotentiary at Washington, and more recently through the minister of the United States at Paris, that the delay has not proceeded from any indisposition on the part of the King and his ministers to fulfill the treaty, and that measures will be presented at the next meeting of the Chambers, and with a reasonable hope of success, to obtain the necessary appropriation.

It is necessary to state, however, that the documents, except certain lists of vessels captured, condemned, or burnt at sea, proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the convention, and which by the sixth article France

engaged to communicate to the United States by the intermediary of the legation, though repeatedly applied for by the American chargé d'affaires under instructions from this Government, have not yet been communicated; and this delay, it is apprehended, will necessarily prevent the completion of the duties assigned to the commissioners within the time at present prescribed by law.

The reasons for delaying to communicate these documents have not been explicitly stated, and this is the more to be regretted as it is not understood that the interposition of the Chambers is in any manner required for the delivery of those papers.

Under these circumstances, in a case so important to the interests of our citizens and to the character of our country, and under disappointments so unexpected, I deemed it my duty, however I might respect the general assurances to which I have adverted, no longer to delay the appointment of a minister plenipotentiary to Paris, but to dispatch him in season to communicate the result of his application to the French Government at an early period of your session. I accordingly appointed a distinguished citizen for this purpose, who proceeded on his mission in August last and was presented to the King early in the month of October. He is particularly instructed as to all matters connected with the present posture of affairs, and I indulge the hope that with the representations he is instructed to make, and from the disposition manifested by the King and his ministers in their recent assurances to our minister at Paris, the subject will be early considered, and satisfactorily disposed of at the next meeting of the Chambers.

As this subject involves important interests and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition, and should I be disappointed in the hope now entertained the subject will be again brought to the notice of Congress in such manner as the occasion may require.

The friendly relations which have always been maintained between the United States and Russia have been further extended and strengthened by the treaty of navigation and commerce concluded on the 6th of December last, and sanctioned by the Senate before the close of its last session. The ratifications having been since exchanged, the liberal provisions of the treaty are now in full force, and under the encouragement which they have secured a flourishing and increasing commerce, yielding its benefits to the enterprise of both nations, affords to each the just recompense of wise measures, and adds new motives for that mutual friendship which the two countries have hitherto cherished toward each other.

It affords me peculiar satisfaction to state that the Government of Spain has at length yielded to the justice of the claims which have been so long urged in behalf of our citizens, and has expressed a willingness to provide an indemnification as soon as the proper amount can be agreed

upon. Upon this latter point it is probable an understanding had taken place between the minister of the United States and the Spanish Government before the decease of the late King of Spain; and, unless that event may have delayed its completion, there is reason to hope that it may be in my power to announce to you early in your present session the conclusion of a convention upon terms not less favorable than those entered into for similar objects with other nations. That act of justice would well accord with the character of Spain, and is due to the United States from their ancient friend. It could not fail to strengthen the sentiments of amity and good will between the two nations which it is so much the wish of the United States to cherish and so truly the interest of both to maintain.

By the first section of an act of Congress passed on the 13th of July, 1832, the tonnage duty on Spanish ships arriving from the ports of Spain was limited to the duty payable on American vessels in the ports of Spain previous to the 20th of October, 1817, being 5 cents per ton. That act was intended to give effect on our side to an arrangement made with the Spanish Government by which discriminating duties of tonnage were to be abolished in the ports of the United States and Spain on the vessels of the two nations. Pursuant to that arrangement, which was carried into effect on the part of Spain on the 20th of May, 1832, by a royal order dated the 29th of April, 1832, American vessels in the ports of Spain have paid 5 cents per ton, which rate of duty is also paid in those ports by Spanish ships; but as American vessels pay no tonnage duty in the ports of the United States, the duty of 5 cents payable in our ports by Spanish vessels under the act above mentioned is really a discriminating duty, operating to the disadvantage of Spain. Though no complaint has yet been made on the part of Spain, we are not the less bound by the obligations of good faith to remove the discrimination, and I recommend that the act be amended accordingly. As the royal order above alluded to includes the ports of the Balearic and Canary islands as well as those of Spain, it would seem that the provisions of the act of Congress should be equally extensive, and that for the repayment of such duties as may have been improperly received an addition should be made to the sum appropriated at the last session of Congress for refunding discriminating duties.

As the arrangement referred to, however, did not embrace the islands of Cuba and Puerto Rico, discriminating duties to the prejudice of American shipping continue to be levied there. From the extent of the commerce carried on between the United States and those islands, particularly the former, this discrimination causes serious injury to one of those great national interests which it has been considered an essential part of our policy to cherish, and has given rise to complaints on the part of our merchants. Under instructions given to our minister at Madrid, earnest representations have been made by him to the Spanish Government upon

this subject, and there is reason to expect, from the friendly disposition which is entertained toward this country, that a beneficial change will be produced. The disadvantage, however, to which our shipping is subjected by the operation of these discriminating duties requires that they be met by suitable countervailing duties during your present session, power being at the same time vested in the President to modify or discontinue them as the discriminating duties on American vessels or their cargoes may be modified or discontinued at those islands. Intimations have been given to the Spanish Government that the United States may be obliged to resort to such measures as are of necessary self-defense, and there is no reason to apprehend that it would be unfavorably received. The proposed proceeding if adopted would not be permitted, however, in any degree to induce a relaxation in the efforts of our minister to effect a repeal of this irregularity by friendly negotiation, and it might serve to give force to his representations by showing the dangers to which that valuable trade is exposed by the obstructions and burdens which a system of discriminating and countervailing duties necessarily produces.

The selection and preparation of the Florida archives for the purpose of being delivered over to the United States, in conformity with the royal order as mentioned in my last annual message, though in progress, has not yet been completed. This delay has been produced partly by causes which were unavoidable, particularly the prevalence of the cholera at Havana; but measures have been taken which it is believed will expedite the delivery of those important records.

Congress were informed at the opening of the last session that "owing, as was alleged, to embarrassments in the finances of Portugal, consequent upon the civil war in which that nation was engaged," payment had been made of only one installment of the amount which the Portuguese Government had stipulated to pay for indemnifying our citizens for property illegally captured in the blockade of Terceira. Since that time a postponement for two years, with interest, of the two remaining installments was requested by the Portuguese Government, and as a consideration it offered to stipulate that rice of the United States should be admitted into Portugal at the same duties as Brazilian rice. Being satisfied that no better arrangement could be made, my consent was given, and a royal order of the King of Portugal was accordingly issued on the 4th of February last for the reduction of the duty on rice of the United States. It would give me great pleasure if in speaking of that country, in whose prosperity the United States are so much interested, and with whom a long-subsisting, extensive, and mutually advantageous commercial intercourse has strengthened the relations of friendship, I could announce to you the restoration of its internal tranquillity.

Subsequently to the commencement of the last session of Congress the final installment payable by Denmark under the convention of the 28th day of March, 1830, was received. The commissioners for examining

the claims have since terminated their labors, and their awards have been paid at the Treasury as they have been called for. The justice rendered to our citizens by that Government is thus completed, and a pledge is thereby afforded for the maintenance of that friendly intercourse becoming the relations that the two nations mutually bear to each other.

It is satisfactory to inform you that the Danish Government have recently issued an ordinance by which the commerce with the island of St. Croix is placed on a more liberal footing than heretofore. This change can not fail to prove beneficial to the trade between the United States and that colony, and the advantages likely to flow from it may lead to greater relaxations in the colonial systems of other nations.

The ratifications of the convention with the King of the Two Sicilies have been duly exchanged, and the commissioners appointed for examining the claims under it have entered upon the duties assigned to them by law. The friendship that the interests of the two nations require of them being now established, it may be hoped that each will enjoy the benefits which a liberal commerce should yield to both.

A treaty of amity and commerce between the United States and Belgium was concluded during the last winter and received the sanction of the Senate, but the exchange of the ratifications has been hitherto delayed, in consequence, in the first instance, of some delay in the reception of the treaty at Brussels, and, subsequently, of the absence of the Belgian minister of foreign affairs at the important conferences in which his Government is engaged at London. That treaty does but embody those enlarged principles of friendly policy which it is sincerely hoped will always regulate the conduct of the two nations having such strong motives to maintain amicable relations toward each other and so sincerely desirous to cherish them.

With all the other European powers with whom the United States have formed diplomatic relations and with the Sublime Porte the best understanding prevails. From all I continue to receive assurances of good will toward the United States—assurances which it gives me no less pleasure to reciprocate than to receive. With all, the engagements which have been entered into are fulfilled with good faith on both sides. Measures have also been taken to enlarge our friendly relations and extend our commercial intercourse with other States. The system we have pursued of aiming at no exclusive advantages, of dealing with all on terms of fair and equal reciprocity, and of adhering scrupulously to all our engagements is well calculated to give success to efforts intended to be mutually beneficial.

The wars of which the southern part of this continent was so long the theater, and which were carried on either by the mother country against the States which had formerly been her colonies or by the States against each other, having terminated, and their civil dissensions having so far subsided as with few exceptions no longer to disturb the public

tranquillity, it is earnestly hoped those States will be able to employ themselves without interruption in perfecting their institutions, cultivating the arts of peace, and promoting by wise councils and able exertions the public and private prosperity which their patriotic struggles so well entitle them to enjoy.

With those States our relations have undergone but little change during the present year. No reunion having yet taken place between the States which composed the Republic of Colombia, our chargé d'affaires at Bogota has been accredited to the Government of New Grenada, and we have, therefore, no diplomatic relations with Venezuela and Equator, except as they may be included in those heretofore formed with the Colombian Republic.

It is understood that representatives from the three States were about to assemble at Bogota to confer on the subject of their mutual interests, particularly that of their union, and if the result should render it necessary, measures will be taken on our part to preserve with each that friendship and those liberal commercial connections which it has been the constant desire of the United States to cultivate with their sister Republics of this hemisphere. Until the important question of reunion shall be settled, however, the different matters which have been under discussion between the United States and the Republic of Colombia, or either of the States which composed it, are not likely to be brought to a satisfactory issue.

In consequence of the illness of the chargé d'affaires appointed to Central America at the last session of Congress, he was prevented from proceeding on his mission until the month of October. It is hoped, however, that he is by this time at his post, and that the official intercourse, unfortunately so long interrupted, has been thus renewed on the part of the two nations so amicably and advantageously connected by engagements founded on the most enlarged principles of commercial reciprocity.

It is gratifying to state that since my last annual message some of the most important claims of our fellow-citizens upon the Government of Brazil have been satisfactorily adjusted, and a reliance is placed on the friendly dispositions manifested by it that justice will also be done in others. No new causes of complaint have arisen, and the trade between the two countries flourishes under the encouragement secured to it by the liberal provisions of the treaty.

It is cause of regret that, owing, probably, to the civil dissensions which have occupied the attention of the Mexican Government, the time fixed by the treaty of limits with the United States for the meeting of the commissioners to define the boundaries between the two nations has been suffered to expire without the apppointment of any commissioners on the part of that Government. While the true boundary remains in doubt by either party it is difficult to give effect to those measures which are necessary to the protection and quiet of our numerous citizens

residing near that frontier. The subject is one of great solicitude to the United States, and will not fail to receive my earnest attention.

The treaty concluded with Chili and approved by the Senate at its last session was also ratified by the Chilian Government, but with certain additional and explanatory articles of a nature to have required it to be again submitted to the Senate. The time limited for the exchange of the ratifications, however, having since expired, the action of both Governments on the treaty will again become necessary.

The negotiations commenced with the Argentine Republic relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands by persons acting under the color of its authority, as well as the other matters in controversy between the two Governments, have been suspended by the departure of the chargé d'affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that Government to renew the negotiation in the United States, but though daily expected he has not yet arrived in this country.

With Peru no treaty has yet been formed, and with Bolivia no diplomatic intercourse has yet been established. It will be my endeavor to encourage those sentiments of amity and that liberal commerce which belong to the relations in which all the independent States of this continent stand toward each other.

I deem it proper to recommend to your notice the revision of our consular system. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with the regulation and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress I communicated a report from the Secretary of State upon the subject, to which I now refer, as containing information which may be useful in any inquiries that Congress may see fit to institute with a view to a salutary reform of the system.

It gives me great pleasure to congratulate you upon the prosperous condition of the finances of the country, as will appear from the report which the Secretary of the Treasury will in due time lay before you. The receipts into the Treasury during the present year will amount to more than $32,000,000. The revenue derived from customs will, it is believed, be more than $28,000,000, and the public lands will yield about $3,000,000. The expenditures within the year for all objects, including $2,572,240.99 on account of the public debt, will not amount to $25,000,000, and a large balance will remain in the Treasury after satisfying all the appropriations chargeable on the revenue for the present year.

The measures taken by the Secretary of the Treasury will probably enable him to pay off in the course of the present year the residue of the

exchanged 4½ per cent stock, redeemable on the 1st of January next. It has therefore been included in the estimated expenditures of this year, and forms a part of the sum above stated to have been paid on account of the public debt. The payment of this stock will reduce the whole debt of the United States, funded and unfunded, to the sum of $4,760,082.08, and as provision has already been made for the 4½ percents above mentioned, and charged in the expenses of the present year, the sum last stated is all that now remains of the national debt; and the revenue of the coming year, together with the balance now in the Treasury, will be sufficient to discharge it, after meeting the current expenses of the Government. Under the power given to the commissioners of the sinking fund, it will, I have no doubt, be purchased on favorable terms within the year.

From this view of the state of the finances and the public engagements yet to be fulfilled you will perceive that if Providence permits me to meet you at another session I shall have the high gratification of announcing to you that the national debt is extinguished. I can not refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged is strong evidence of the abundant resources of the country and of the prudence and economy with which the Government has heretofore been administered. We have waged two wars since we became a nation, with one of the most powerful kingdoms in the world, both of them undertaken in defense of our dearest rights, both successfully prosecuted and honorably terminated; and many of those who partook in the first struggle as well as in the second will have lived to see the last item of the debt incurred in these necessary but expensive conflicts faithfully and honestly discharged. And we shall have the proud satisfaction of bequeathing to the public servants who follow us in the administration of the Government the rare blessing of a revenue sufficiently abundant, raised without injustice or oppression to our citizens, and unencumbered with any burdens but what they themselves shall think proper to impose upon it.

The flourishing state of the finances ought not, however, to encourage us to indulge in a lavish expenditure of the public treasure. The receipts of the present year do not furnish the test by which we are to estimate the income of the next. The changes made in our revenue system by the acts of Congress of 1832 and 1833, and more especially by the former, have swelled the receipts of the present year far beyond the amount to be expected in future years upon the reduced tariff of duties. The shortened credits on revenue bonds and the cash duties on woolens which were introduced by the act of 1832, and took effect on the 4th of March last, have brought large sums into the Treasury in 1833, which, according to the credits formerly given, would not have been payable until 1834, and would have formed a part of the income of that

year. These causes would of themselves produce a great diminution of the receipts in the year 1834 as compared with the present one, and they will be still more diminished by the reduced rates of duties which take place on the 1st of January next on some of the most important and productive articles. Upon the best estimates that can be made the receipts of the next year, with the aid of the unappropriated amount now in the Treasury, will not be much more than sufficient to meet the expenses of the year and pay the small remnant of the national debt which yet remains unsatisfied. I can not, therefore, recommend to you any alteration in the present tariff of duties. The rate as now fixed by law on the various articles was adopted at the last session of Congress, as a matter of compromise, with unusual unanimity, and unless it is found to produce more than the necessities of the Government call for there would seem to be no reason at this time to justify a change.

But while I forbear to recommend any further reduction of the duties beyond that already provided for by the existing laws, I must earnestly and respectfully press upon Congress the importance of abstaining from all appropriations which are not absolutely required for the public interest and authorized by the powers clearly delegated to the United States. We are beginning a new era in our Government. The national debt, which has so long been a burden on the Treasury, will be finally discharged in the course of the ensuing year. No more money will afterwards be needed than what may be necessary to meet the ordinary expenses of the Government. Now, then, is the proper moment to fix our system of expenditure on firm and durable principles, and I can not too strongly urge the necessity of a rigid economy and an inflexible determination not to enlarge the income beyond the real necessities of the Government and not to increase the wants of the Government by unnecessary and profuse expenditures. If a contrary course should be pursued, it may happen that the revenue of 1834 will fall short of the demands upon it, and after reducing the tariff in order to lighten the burdens of the people, and providing for a still further reduction to take effect hereafter, it would be much to be deplored if at the end of another year we should find ourselves obliged to retrace our steps and impose additional taxes to meet unnecessary expenditures.

It is my duty on this occasion to call your attention to the destruction of the public building occupied by the Treasury Department, which happened since the last adjournment of Congress. A thorough inquiry into the causes of this loss was directed and made at the time, the result of which will be duly communicated to you. I take pleasure, however, in stating here that by the laudable exertions of the officers of the Department and many of the citizens of the District but few papers were lost, and none that will materially affect the public interest.

The public convenience requires that another building should be erected as soon as practicable, and in providing for it it will be advisable

to enlarge in some manner the accommodations for the public officers of the several Departments, and to authorize the erection of suitable depositories for the safe-keeping of the public documents and records.

Since the last adjournment of Congress the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject, and some months before the removal I urged upon the Department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at that time fully developed by proof. It was not until late in the month of August that I received from the Government directors an official report establishing beyond question that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money, and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president to be employed in sustaining the political power of the bank. A copy of this resolution is contained in the report of the Government directors before referred to, and however the object may be disguised by cautious language, no one can doubt that this money was in truth intended for electioneering purposes, and the particular uses to which it was proved to have been applied abundantly show that it was so understood. Not only was the evidence complete as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the board of directors authorized the same course to be pursued in future.

It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such an use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented whether the people of the United States are to govern through representatives chosen by their unbiased suffrages or whether the money and power of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore and supported by the usual means.

At this time the efforts of the bank to control public opinion, through the distresses of some and the fears of others, are equally apparent, and, if possible, more objectionable. By a curtailment of its accommodations more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and as a necessary consequence extort from Congress a renewal of its charter. I am happy to know that through the good sense of our people the effort to get up a panic has hitherto failed, and that through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank, and it can not be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty I should feel myself called on by the facts disclosed to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the Secretary of the Treasury had been taken to enable him to judge whether the public deposits in the Bank of the United States were entirely safe; but that as his single powers might be inadequate to the object, I recommended the subject to Congress as worthy of their serious investigation, declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination thus recommended was gone into is spread upon your journals, and is too well known to require to be stated. Such as was made resulted in a report from a majority of the Committee of Ways and Means touching certain specified points only, concluding with a resolution that the Government deposits might safely be continued in the Bank of the United States. This resolution was adopted at the close of the session by the vote of a majority of the House of Representatives.

Although I may not always be able to concur in the views of the public interest or the duties of its agents which may be taken by the other departments of the Government or either of its branches, I am, notwithstanding, wholly incapable of receiving otherwise than with the most

sincere respect all opinions or suggestions proceeding from such a source, and in respect to none am I more inclined to do so than to the House of Representatives. But it will be seen from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the Secretary of the Treasury, that the change in the deposits which has been ordered has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that Department, rendered its act a matter of imperious duty.

Coming as you do, for the most part, immediately from the people and the States by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act to decide whether the executive department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.

The accompanying report of the Secretary of War, with the documents annexed to it, exhibits the operations of the War Department for the past year and the condition of the various subjects intrusted to its administration.

It will be seen from them that the Army maintains the character it has heretofore acquired for efficiency and military knowledge. Nothing has occurred since your last session to require its services beyond the ordinary routine of duties which upon the seaboard and the inland frontier devolve upon it in a time of peace. The system so wisely adopted and so long pursued of constructing fortifications at exposed points and of preparing and collecting the supplies necessary for the military defense of the country, and thus providently furnishing in peace the means of defense in war, has been continued with the usual results. I recommend to your consideration the various subjects suggested in the report of the Secretary of War. Their adoption would promote the public service and meliorate the condition of the Army.

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sac and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States and for the migration of the occupants of the region assigned for their residence west of the Mississippi. Should these treaties be ratified by the Senate, provision will have been made for the removal of almost all the tribes now remaining east of that river and for the termination of many difficult and embarrassing questions arising out of their anomalous political condition. It is to be hoped that those portions of two of the Southern tribes, which in that event will present the only remaining difficulties, will realize the necessity of emigration, and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for several years, and experience is every day adding to their strength.

INDIANS SURPRISE FRONTIER FORT

INDIAN MASSACRE IN STRONGHOLD

The picture represents the massacre that occurred at Fort Mims on August 30, 1813, but it is typical of conditions in the sparsely settled districts for a decade thereafter.

When the Indians were seen to be wrought up and meditating an onslaught, the white settlers would gather in some house which could be defended. Thus, when the Creeks went on the warpath, Samuel Mims turned his house on the Alabama River into a fort, within whose walls were sheltered nearly six hundred men, women, children, Indians and militiamen. Twice they were warned that Indians were in the neighborhood, but each time they were incredulous. On the 30th, while the drums were beating the call to dinner, the Indians rushed in upon them. Of the five hundred and fifty-three inmates not more than twenty escaped instant death. Two hundred and fifty scalps were carried down to Pensacola on poles. The detachment sent to bury the dead found all of Fort Mims gone but a piece of the stockade and blockhouse. Wood and human ashes were mingled; buzzards and dogs crowded round the corpses on the field; and in some parts the bodies, terribly mutilated, were piled in heaps.

After such an outrage the Government adopted retaliatory measures. In some respects the war with the Indian has been one of extermination on our side as well as on his.

See the article "Fort Mims (Ala.), Massacre," also the twenty-three pages of articles and citations regarding the Indians.

That those tribes can not exist surrounded by our settlements and in continual contact with our citizens is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement which are essential to any favorable change in their condition. Established in the midst of another and a superior race, and without appreciating the causes of their inferiority or seeking to control them, they must necessarily yield to the force of circumstances and ere long disappear. Such has been their fate heretofore, and if it is to be averted—and it is—it can only be done by a general removal beyond our boundary and by the reorganization of their political system upon principles adapted to the new relations in which they will be placed. The experiment which has been recently made has so far proved successful. The emigrants generally are represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured. When the report of the commissioners now engaged in investigating the condition and prospects of these Indians and in devising a plan for their intercourse and government is received, I trust ample means of information will be in possession of the Government for adjusting all the unsettled questions connected with this interesting subject.

The operations of the Navy during the year and its present condition are fully exhibited in the annual report from the Navy Department.

Suggestions are made by the Secretary of various improvements, which deserve careful consideration, and most of which, if adopted, bid fair to promote the efficiency of this important branch of the public service. Among these are the new organization of the Navy Board, the revision of the pay to officers, and a change in the period of time or in the manner of making the annual appropriations, to which I beg leave to call your particular attention.

The views which are presented on almost every portion of our naval concerns, and especially on the amount of force and the number of officers, and the general course of policy appropriate in the present state of our country for securing the great and useful purposes of naval protection in peace and due preparation for the contingencies of war, meet with my entire approbation.

It will be perceived from the report referred to that the fiscal concerns of the establishment are in an excellent condition, and it is hoped that Congress may feel disposed to make promptly every suitable provision desired either for preserving or improving the system.

The general Post-Office Department has continued, upon the strength of its own resources, to facilitate the means of communication between the various portions of the Union with increased activity. The method, however, in which the accounts of the transportation of the mail have always been kept appears to have presented an imperfect view of its expenses. It has recently been discovered that from the earliest records

of the Department the annual statements have been calculated to exhibit an amount considerably short of the actual expense incurred for that service. These illusory statements, together with the expense of carrying into effect the law of the last session of Congress establishing new mail routes, and a disposition on the part of the head of the Department to gratify the wishes of the public in the extension of mail facilities, have induced him to incur responsibilities for their improvement beyond what the current resources of the Department would sustain. As soon as he had discovered the imperfection of the method he caused an investigation to be made of its results and applied the proper remedy to correct the evil. It became necessary for him to withdraw some of the improvements which he had made to bring the expenses of the Department within its own resources. These expenses were incurred for the public good, and the public have enjoyed their benefit. They are now but partially suspended, and that where they may be discontinued with the least inconvenience to the country.

The progressive increase in the income from postages has equaled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this Department. The details are exhibited in the accompanying report of the Postmaster-General.

The many distressing accidents which have of late occurred in that portion of our navigation carried on by the use of steam power deserve the immediate and unremitting attention of the constituted authorities of the country. The fact that the number of those fatal disasters is constantly increasing, notwithstanding the great improvements which are everywhere made in the machinery employed and in the rapid advances which have been made in that branch of science, shows very clearly that they are in a great degree the result of criminal negligence on the part of those by whom the vessels are navigated and to whose care and attention the lives and property of our citizens are so extensively intrusted.

That these evils may be greatly lessened, if not substantially removed, by means of precautionary and penal legislation seems to be highly probable. So far, therefore, as the subject can be regarded as within the constitutional purview of Congress I earnestly recommend it to your prompt and serious consideration.

I would also call your attention to the views I have heretofore expressed of the propriety of amending the Constitution in relation to the mode of electing the President and the Vice-President of the United States. Regarding it as all important to the future quiet and harmony of the people that every intermediate agency in the election of these officers should be removed and that their eligibility should be limited to one term of either four or six years, I can not too earnestly invite your consideration of the subject.

Trusting that your deliberations on all the topics of general interest to which I have adverted, and such others as your more extensive

knowledge of the wants of our beloved country may suggest, may be crowned with success, I tender you in conclusion the cooperation which it may be in my power to afford them.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 5, 1833.*

To the Senate of the United States:

In compliance with the resolution of the Senate at its last session, requesting the President "to cause to be prepared and laid before the Senate at the commencement of its next session a plan for equalizing the pay of the officers in the Army and Navy according to their relative rank, and providing a stated salary or fixed compensation for their services in lieu of present allowances," I submit herewith a report from the Secretaries of the War and Navy Departments, to whom the subject was referred. It is believed the plan they have presented meets substantially the objects of the resolution.

ANDREW JACKSON.

WASHINGTON, *December 6, 1833.*

To the House of Representatives:

I transmit herewith to the House of Representatives a communication from the War Department, showing the circumstances under which the sum of $5,000, appropriated for subsistence of the Army, was transferred to the service of the medical and hospital department, and which, by the law authorizing the transfer, are required to be laid before Congress during the first week of their session.

ANDREW JACKSON.

WASHINGTON, *December 6, 1833.*

To the House of Representatives:

I transmit herewith, for the information of the House, the report of the survey made in pursuance of the fourth section of the act of Congress of the 4th July, 1832, authorizing the survey of canal routes in the Territory of Florida.

ANDREW JACKSON.

WASHINGTON, *December 11, 1833.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Treasury, exhibiting certain transfers of appropriations that have been made in that Department in pursuance of the power vested in the President by

the first section of the act of Congress of the 3d March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

ANDREW JACKSON.

WASHINGTON, *December 12, 1833.*

To the Senate of the United States:

I have attentively considered the resolution of the Senate of the 11th instant, requesting the President of the United States to communicate to the Senate "a copy of the paper which has been published, and which purports to have been read by him to the heads of the Executive Departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices."

The executive is a coordinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of Departments acting as a Cabinet council. As well might I be required to detail to the Senate the free and private conversations I have held with those officers on any subject relating to their duties and my own.

Feeling my responsibility to the American people, I am willing upon all occasions to explain to them the grounds of my conduct, and I am willing upon all proper occasions to give to either branch of the Legislature any information in my possession that can be useful in the execution of the appropriate duties confided to them.

Knowing the constitutional rights of the Senate, I shall be the last man under any circumstances to interfere with them. Knowing those of the Executive, I shall at all times endeavor to maintain them agreeably to the provisions of the Constitution and the solemn oath I have taken to support and defend it.

I am constrained, therefore, by a proper sense of my own self-respect and of the rights secured by the Constitution to the executive branch of the Government to decline a compliance with your request.

ANDREW JACKSON.

WASHINGTON, *December 23, 1833.*

To the House of Representatives:

The rules and regulations herewith submitted have been prepared by a board of officers in conformity with an act passed May 19, 1832.*

They are approved by me, and in pursuance of the provisions of said

*An act authorizing the revision and extension of the rules and regulations of the naval service.

act are now communicated to the House of Representatives for the purpose of obtaining to them the sanction of Congress.

ANDREW JACKSON.

WASHINGTON, *December 24, 1833.*

To the Senate:

I transmit herewith, for the consideration of the Senate as to the ratification thereof, the following Indian treaties that have been received since the adjournment of the last session of Congress, viz:

No. 1. Treaty with the Seminole Indians, made May 9, 1832.

No. 2. Treaty with the Cherokees west of the Mississippi, made 14th February, 1833.

No. 3. Treaty with the Creeks west of the Mississippi, made 14th February, 1833.

No. 4. Assignment to the Seminoles of a tract of land for their residence west of the Mississippi, made 28th March, 1833.

No. 5. Agreement with the Apalachicola band of Indians, made 18th June, 1833.

No. 6. Treaty with the united bands of Ottoes and Missourians, made 21st September, 1833.

No. 7. Treaty with the four confederated bands of Pawnees residing on the Platt and Loup Fork, made 9th October, 1833.

ANDREW JACKSON.

WASHINGTON, *January 6, 1834.*

To the Senate and House of Representatives:

I communicate to Congress an extract of a letter recently received from R. J. Leib, consul of the United States at Tangier, by which it appears that that officer has been induced to receive from the Emperor of Morocco a present of a lion and two horses, which he holds as belonging to the United States. There being no funds at the disposal of the Executive applicable to the objects stated by Mr. Leib, I submit the whole subject to the consideration of Congress for such direction as in their wisdom may seem proper.

I have directed instructions to be given to all our ministers and agents abroad requiring that in future, unless previously authorized by Congress, they will not under any circumstances accept presents of any description from any foreign state.

I deem it proper on this occasion to invite the attention of Congress to the presents which have heretofore been made to our public officers, and which have been deposited under the orders of the Government in the Department of State. These articles are altogether useless to the Government, and the care and preservation of them in the Department of State are attended with considerable inconvenience.

The provision of the Constitution which forbids any officer, without the consent of Congress, to accept any present from any foreign power may be considered as having been satisfied by the surrender of the articles to the Government, and they might now be disposed of by Congress to those for whom they were originally intended, or to their heirs, with obvious propriety in both cases, and in the latter would be received as grateful memorials of the surrender of the present.

As under the positive order now given similar presents can not hereafter be received, even for the purpose of being placed at the disposal of the Government, I recommend to Congress to authorize by law that the articles already in the Department of State shall be delivered to the persons to whom they were originally presented, if living, and to the heirs of such as may have died.

ANDREW JACKSON.

WASHINGTON, *January 7, 1834.*

To the House of Representatives:

In compliance with the resolution requesting the President of the United States to lay before the House "a copy of any contract which may have been made for the construction of a bridge across the Potomac opposite to the city of Washington, together with the authority under which such contract may have been made, the names of the contractors and their securities, if any, and the plan and estimate of the cost of such a bridge," I transmit herewith a report from the Secretary of the Treasury, to whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

ANDREW JACKSON.

WASHINGTON, *January 9, 1834.*

To the Senate of the United States:

I transmit to the Senate, for their constitutional action, a treaty concluded between the commissioners on the part of the United States and the united nation of Chippewas, Ottawas, and Potawatamies, at Chicago, on the 26th of September, 1833, to the cession of certain lands in the State of Illinois and Territory of Michigan.

I transmit also sundry documents relating thereto that I think proper should be laid before the Senate.

I understand the country ceded by this treaty is considered a valuable one and its acquisition important to that section of the Union. Under these circumstances, as the objection to a ratification applies to those stipulations in the third article which provide that $100,000 and $150,000 shall be granted in satisfaction of claims to reservations and for debts due from the Indians to individuals, I recommend that the treaty be ratified with the condition that an agent be appointed to proceed to Chicago and investigate the justice of these claims. If they are all well founded

and have been assented to by the Indians with a full knowledge of the circumstances, a proper investigation of them will do the claimants no injury, but will place the matter beyond suspicion. If, on the other hand, they are unjust and have not been fully understood by the Indians, the fraud will in that event vitiate them, and they ought not to be paid. To the United States, in a mere pecuniary point of view, it is of no importance to whom the money provided by this treaty is paid. They stipulate to pay a given amount, and that amount they must pay, but the consideration is yielded by the Indians, and they are entitled to its value. Whatever is granted in claims must be withheld from them, and if not so granted it becomes theirs. Considering the relations in which the Indians stand to the United States, it appears to me just to exercise their supervisory authority. It has been done in more than one instance, and as its object in this case is to ascertain whether any fraud exists, and if there does to correct it, I consider such a ratification within the proper scope of the treaty-making power.

ANDREW JACKSON.

WASHINGTON, *January 22, 1834.*

To the Senate:

I transmit to the Senate a report* from the Secretary of State, containing the information requested by their resolution of the 9th instant, with the documents which accompany that report.

ANDREW JACKSON.

WASHINGTON, *January 25, 1834.*

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives a letter from the Secretary of State, together with the accompanying papers, relating to a claim preferred to that Department, through the British legation at Washington, for indemnification for losses alleged to have been sustained by the owners of the ship *Francis and Eliza*, libeled at New Orleans in 1819, and condemned and sold by the sentence and decree of the district court of the United States for the district of Louisiana, but afterwards restored upon an appeal to the Supreme Court of the United States, that such legislative provision may be made by Congress in behalf of those interested as shall appear just and proper in the case.

ANDREW JACKSON.

FEBRUARY 4, 1834.

To the Senate and House of Representatives:

I deem it my duty to communicate to Congress the recent conduct of the Bank of the United States in refusing to deliver the books, papers, and funds in its possession relating to the execution of the act of Congress

*Relating to presents from foreign governments to officers of the United States.

of June 7, 1832, entitled "An act supplementary to the 'Act for the relief of certain surviving officers and soldiers of the Revolution.'" The correspondence reported by the Secretary of War, and herewith transmitted, will show the grounds assumed by the bank to justify its refusal to make the transfer directed by the War Department. It does not profess to claim the privilege of this agency as a right secured to it by contract, nor as a benefit conferred by the Government, but as a burden, from which it is willing to be relieved. It places its refusal upon the extraordinary ground that the corporation has a right to sit in judgment upon the legality of the acts of the constituted authorities in a matter in which the stockholders are admitted to have no interest, and it impedes and defeats, as far as its power will permit, the execution of a measure of the Administration, because the opinion of the corporation upon the construction of an act of Congress differs from that of the proper officers of the United States.

The claim of this corporation thus to usurp the functions of the judicial power and to prescribe to the executive department the manner in which it shall execute the trust confided to it by law is without example in the history of our country. If the acts of the public servants, who are responsible to the people for the manner in which they execute their duty, may thus be checked and controlled by an irresponsible money corporation, then indeed the whole frame of our Government is changed, and we have established a power in the Bank of the United States above what we derive from the people.

It will be seen from the accompanying statement (marked A) that according to the latest accounts received at the War Department the Bank of the United States and its branches have in their possession near half a million of the public money, received by them under the law of 1832, which they have not yet accounted for, and which they refuse to pay over to the proper agents for the use of those persons for whose benefit it was withdrawn from the Treasury. It is to be regretted that this attempt on the part of the bank to guide and direct the Executive upon the construction and execution of an act of Congress should have been put forward and insisted on in a case where the immediate sufferers from their conduct will be the surviving veterans of the Revolutionary war, for this evil falls exclusively upon the gallant defenders of their country and delays and embarrasses the payment of the debt which the gratitude of the nation has awarded to them, and which in many instances is necessary for their subsistence and comfort in their declining years.

The character of the claim set up by the bank and the interest of the parties to be immediately affected by it make it my duty to submit the whole subject to the consideration of Congress, and I leave it to their wisdom to adopt such measures as the honor of the Government and the just claims of the individuals injured by the proceedings may be deemed to require.

Having called for the opinion of the Attorney-General upon this occasion with a view to a thorough investigation of the question which has thus been presented for my consideration, I inclose a copy of the report of that officer and add my entire concurrence in the views he has taken.

ANDREW JACKSON.

WASHINGTON, *February 12, 1834.*

To the House of Representatives:

I transmit to the House of Representatives a report* from the Secretary of State, in relation to the subject of a resolution of the 8th of this month.

ANDREW JACKSON.

WASHINGTON, *February 12, 1834.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, containing the information requested† by the resolution of the 14th ultimo, with the documents which accompanied that report.

ANDREW JACKSON.

WASHINGTON, *February 22, 1834.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice concerning its ratification, an additional and explanatory convention to the treaty of peace, amity, commerce, and navigation between the United States and the Republic of Chile, which additional and explanatory convention was concluded at the city of Santiago by the plenipotentiaries of the United States and of Chile on the 1st of September, 1833. I also transmit a report from the Secretary of State on the subject.

ANDREW JACKSON.

WASHINGTON, *March 8, 1834.*

To the House of Representatives:

I transmit herewith to the House a report from the Secretary of State, containing the instructions and other papers called for by the resolution of the House of the 14th ultimo, "relative to the trade between the United States and the islands of Cuba and Porto Rico," etc.

ANDREW JACKSON.

WASHINGTON, *March 11, 1834.*

To the Senate:

I renominate Henry D. Gilpin, Peter Wager, and John T. Sullivan, of Philadelphia, and Hugh McEldery, of Baltimore, to be directors in the Bank of the United States for the year 1834.

*Relating to the boundary line between Georgia and Florida.

†List of presents from foreign governments to officers of the United States, deposited in the State Department.

I disclaim all pretension of right on the part of the President officially to inquire into or call in question the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects each is independent of the other and both responsible to their respective constituents. Nevertheless, the attitude in which certain vital interests of the country are placed by the rejection of the gentlemen now renominated require of me frankly to communicate my views of the consequences which must necessarily follow this act of the Senate if it be not reconsidered.

The characters and standing of these gentlemen are well known to the community, and eminently qualify them for the offices to which I propose to appoint them. Their confirmation by the Senate at its last session to the same offices is proof that such was the opinion of them entertained by the Senate at that time, and unless something has occurred since to change it this act may now be referred to as evidence that their talents and pursuits justified their selection. The refusal, however, to confirm their nominations to the same offices shows that there is something in the conduct of these gentlemen during the last year which, in the opinion of the Senate, disqualifies them, and as no charge has been made against them as men or citizens, nothing which impeaches the fair private character they possessed when the Senate gave them their sanction at its last session, and as it, moreover, appears from the Journal of the Senate recently transmitted for my inspection that it was deemed unnecessary to inquire into their qualifications or character, it is to be inferred that the change in the opinion of the Senate has arisen from the official conduct of these gentlemen. The only circumstances in their official conduct which have been deemed of sufficient importance to attract public attention are the two reports made by them to the executive department of the Government, the one bearing date the 22d day of April and the other the 19th day of August last, both of which reports were communicated to the Senate by the Secretary of the Treasury with his reasons for removing the deposit.

The truth of the facts stated in these reports is not, I presume, questioned by anyone. The high character and standing of the citizens by whom they were made prevent any doubt upon the subject. Indeed, the statements have not been denied by the president of the bank and the other directors. On the contrary, they have insisted that they were authorized to use the money of the bank in the manner stated in the two reports, and have not denied that the charges there made against the corporation are substantially true.

It must be taken, therefore, as admitted that the statements of the public directors in the reports above mentioned are correct, and they disclose the most alarming abuses on the part of the corporation and the

most strenuous exertions on their part to put an end to them. They prove that enormous sums were secretly lavished in a manner and for purposes that can not be justified, and that the whole of the immense capital of the bank has been virtually placed at the disposal of a single individual, to be used, if he thinks proper, to corrupt the press and to control the proceedings of the Government by exercising an undue influence over elections.

The reports are made in obedience to my official directions, and I herewith transmit copies of my letters calling for information of the proceedings of the bank. Were they bound to disregard the call? Was it their duty to remain silent while abuses of the most injurious and dangerous character were daily practiced? Were they bound to conceal from the constituted authorities a course of measures destructive to the best interests of the country and intended gradually and secretly to subvert the foundations of our Government and to transfer its powers from the hands of the people to a great moneyed corporation? Was it their duty to sit in silence at the board and witness all these abuses without an attempt to correct them, or, in case of failure there, not to appeal to higher authority? The eighth fundamental rule authorizes any one of the directors, whether elected or appointed, who may have been absent when an excess of debt was created, or who may have dissented from the act, to exonerate himself from personal responsibility by giving notice of the fact to the President of the United States, thus recognizing the propriety of communicating to that officer the proceedings of the board in such cases. But independently of any argument to be derived from the principle recognized in the rule referred to, I can not doubt for a moment that it is the right and the duty of every director at the board to attempt to correct all illegal proceedings, and, in case of failure, to disclose them, and that every one of them, whether elected by the stockholders or appointed by the Government, who had knowledge of the facts and concealed them, would be justly amenable to the severest censure.

But in the case of the public directors it was their peculiar and official duty to make the disclosures, and the call upon them for information could not have been disregarded without a flagrant breach of their trust. The directors appointed by the United States can not be regarded in the light of the ordinary directors of a bank appointed by the stockholders and charged with the care of their pecuniary interests in the corporation. They have higher and more important duties. They are public officers. They are placed at the board not merely to represent the stock held by the United States, but to observe the conduct of the corporation and to watch over the public interests. It was foreseen that this great moneyed monopoly might be so managed as to endanger the interests of the country, and it was therefore deemed necessary as a measure of precaution to place at the board watchful sentinels, who should observe its conduct and stand ready to report to the proper officers of the Government every

act of the board which might affect injuriously the interests of the people.

The whole frame of the charter, as well as the manner of their appointment, proves this to be their true character. The United States are not represented at the board by these directors merely on account of the stock held by the Government. The right of the United States to appoint directors and the number appointed do not depend upon the amount of the stock, for if every share should be sold and the United States cease to be a stockholder altogether, yet under the charter the right to appoint five directors would still remain. In such a case what would be the character of the directors? They would represent no stock and be chosen by no stockholders. Yet they would have a right to sit at the board, to vote on all questions submitted to it, and to be made acquainted with all the proceedings of the corporation. They would not in such a case be ordinary directors chosen by the stockholders in proportion to their stock, but they would be public officers, appointed to guard the public interest, and their duties must conform to their office. They are not the duties of an ordinary director chosen by a stockholder, but they are the peculiar duties of a public officer who is bound on all occasions to protect to the utmost of his lawful means the public interests, and, where his own authority is not sufficient to prevent injury, to inform those to whom the law has confided the necessary power. Such, then, is the character and such are the duties of the directors appointed by the United States, whether the public be stockholders or not. They are officers of the United States, and not the mere representatives of a stockholder.

The mode of their appointment and their tenure of office confirm this position. They are appointed like other officers of the Government and by the same authority. They do not hold their offices irrevocably a year after their appointment; on the contrary, by the express terms of the law, they are liable to be removed from office at any time by the President when in his judgment the public interest shall require it. In every aspect, therefore, in which the subject can be considered it is evident that the five directors appointed by the United States are to be regarded as public officers who are placed there in order to observe the conduct of the corporation and to prevent abuses which might otherwise be committed.

Such being the character of the directors appointed on behalf of the United States, it is obviously their duty to resist, and in case of failure to report to the President or to the Secretary of the Treasury, any proceedings of the board by which the public interests may be injuriously affected. The President may order a *scire facias* against the bank for a violation of its charter, and the Secretary of the Treasury is empowered to direct the money of the United States to be deposited elsewhere when in his judgment the public interest requires it to be done. The directors of this bank, like all others, are accustomed to sit with closed doors, and do not report their proceedings to any department of the Government.

The monthly return which the charter requires to be made to the Treasury Department gives nothing more than a general statement of its pecuniary condition, and of that but an imperfect one; for although it shows the amount loaned at the bank and its different branches, it does not show the condition of its debtors nor the circumstances under which the loans were made. It does not show whether they were in truth accommodations granted in the regular and ordinary course of business upon fair banking principles or from other motives. Under the name of loans advances may be made to persons notoriously insolvent for the most corrupt and improper purposes, and a course of proceeding may be adopted in violation of its charter, while upon the face of its monthly statement everything would appear to be fair and correct.

How, then, is the executive branch of the Government to become acquainted with the official conduct of the public directors or the abuses practiced by the corporation for its private ends and in violation of its duty to the public? The power of displacing the public directors and that of issuing a *scire facias* and of removing the deposits were not intended to be idle and nugatory provisions without the means of enforcement. Yet they must be wholly inoperative and useless unless there be some means by which the official conduct of the public directors and the abuses of power on the part of the corporation may be brought to the knowledge of the executive department of the Government.

Will it be said that the power is given to the Secretary of the Treasury to examine himself, or by his authorized agent, into the conduct and condition of the bank? The answer is obvious. It could not have been expected or intended that he would make an examination unless information was first given to him which excited his suspicions; and if he did make such a general examination without previous information of misconduct, it is most probable that in the complex concerns and accounts of a bank it would result in nothing, whatever abuses might have been practiced.

It is, indeed, the duty of every director to give information of such misconduct on the part of the board. But the power to issue a *scire facias* and to remove the deposits presupposes that the directors elected by the stockholders might abuse their power, and it can not be presumed that Congress intended to rely on these same directors to give information of their own misconduct. The Government is not accustomed to rely on the offending party to disclose his offense. It was intended that the power to issue a *scire facias* and remove the deposits be real and effective. The necessary means of information were therefore provided in the charter, and five officers of the Government, appointed in the usual manner, responsible to the public and not to the stockholders, were placed as sentinels at the board, and are bound by the nature and character of their office to resist, and if unsuccessful to report to the proper authority, every infraction of the charter and every abuse of power, in order that

due measures should be taken to punish or correct it; and in like manner it is their duty to give, when called upon, any explanation of their own official conduct touching the management of the institution.

It was perhaps scarcely necessary to present to the Senate these views of the power of the Executive and of the duties of the five directors appointed by the United States. But the bank is believed to be now striving to obtain for itself the government of the country, and is seeking by new and strained constructions to wrest from the hands of the constituted authorities the salutary control reserved by the charter; and as misrepresentation is one of its most usual weapons of attack, I have deemed it my duty to put before the Senate in a manner not to be misunderstood the principles on which I have acted.

Entertaining as I do a solemn conviction of the truth of these principles, I must adhere to them and act upon them with constancy and firmness. Aware as I now am of the dangerous machinations of the bank, it is more than ever my duty to be vigilant in guarding the rights of the people from the impending danger. And I should feel that I ought to forfeit the confidence with which my countrymen have honored me if I did not require regular and full reports of everything in the proceedings of the bank calculated to affect injuriously the public interests from the public directors; and if the directors should fail to give the information called for, it would be my imperious duty to exercise the power conferred on me by law of removing them from office and of appointing others who would discharge their duties with more fidelity to the public. I can never suffer anyone to hold office under me who would connive at corruption or who should fail to give the alarm when he saw the enemies of liberty endeavoring to sap the foundations of our free institutions and to subject the free people of the United States to the dominion of a great moneyed corporation.

Any directors of the bank, therefore, who might be appointed by the Government would be required to report to the Executive as fully as the late directors have done, and more frequently, because the danger is more imminent; and it would be my duty to require of them a full detail of every part of the proceedings of the corporation, or any of its officers, in order that I might be enabled to decide whether I should exercise the power of ordering a *scire facias*, which is reserved to the President by the charter, or adopt such other lawful measures as the interests of the country might require. It is too obvious to be doubted that the misconduct of the corporation would never have been brought to light by the aid of a public proceeding at the board of directors. The board when called on by the Government directors refused to institute an inquiry or require an account, and the mode adopted by the latter was the only one by which the object could be attained. It would be absurd to admit the right of the Government directors to give information and at the same time deny the means of obtaining it. It would be but another mode of

enabling the bank to conceal its proceedings and practice with impunity its corruptions. In the mode of obtaining the information, therefore, and in their efforts to put an end to the abuses disclosed, as well as in reporting them, the conduct of the late directors was judicious and praiseworthy, and the honesty, firmness, and intelligence which they have displayed entitle them, in my opinion, to the gratitude of the country.

But if I do not mistake the principles on which the Senate have recently rejected them, the conduct which I deem worthy of praise they treat as a breach of duty, and in their judgment the measures which they took to obtain the informations and their efforts to put an end to the practices disclosed and the reports they have made to the Executive, although true in all their parts, are regarded as an offense and supposed to require some decisive mark of strong disapprobation.

If the views of the Senate be such as I have supposed, the difficulty of sending to the Senate any other names than those of the late directors will be at once apparent. I can not consent to place before the Senate the name of anyone who is not prepared with firmness and honesty to discharge the duties of a public director in the manner they were fulfilled by those whom the Senate have refused to confirm. If for performing a duty lawfully required of them by the Executive they are to be punished by the subsequent rejection of the Senate, it would not only be useless, but cruel, to place men of character and honor in that situation, if even such men could be found to accept it. If they failed to give the required information or to take proper measures to obtain it, they would be removed by the Executive. If they gave the information and took proper measures to obtain it, they would upon the next nomination be rejected by the Senate. It would be unjust in me to place any other citizens in the predicament in which this unlooked-for decision of the Senate has placed the estimable and honorable men who were directors during the last year.

If I am not in error in relation to the principles upon which these gentlemen have been rejected, the necessary consequence will be that the bank will hereafter be without Government directors, and the people of the United States must be deprived of their chief means of protection against its abuses, for whatever conflicting opinions may exist as to the right of the directors appointed in January, 1833, to hold over until new appointments shall be made, it is very obvious that whilst their rejection by the Senate remains in force they can not with propriety attempt to exercise such a power. In the present state of things, therefore, the corporation will be enabled effectually to accomplish the object it has been so long endeavoring to attain. Its exchange committees and its delegated powers to its president may hereafter be dispensed with without incurring the danger of exposing its proceedings to the public view The sentinels which the law had placed at its board can no longer appear there.

Justice to myself and to the faithful officers by whom the public has been so well and so honorably served without compensation or reward during the last year has required of me this full and frank exposition of my motives for nominating them again after their rejection by the Senate. I repeat that I do not question the right of the Senate to confirm or reject at their pleasure, and if there had been any reason to suppose that the rejection in this case had not been produced by the causes to which I have attributed it, or if my views of their duties and the present importance of their rigid performance were other than they are, I should have cheerfully acquiesced and attempted to find others who would accept the unenviable trust; but I can not consent to appoint directors of the bank to be the subservient instruments or silent spectators of its abuses and corruptions, nor can I ask honorable men to undertake the thankless duty with the certain prospect of being rebuked by the Senate for its faithful performance in pursuance of the lawful directions of the Executive.

I repeat that I do not claim a right to inquire into or officially to censure the acts of the Senate, but the situation in which the important interests of the American people vested in the Bank of the United States and affected by its arrangements must necessarily be left by the rejection of the gentlemen now renominated has made it my duty to give this explanation to the Senate and submit the matter to their reconsideration. If it shall be determined by the Senate that all channels of information in relation to the corrupt proceedings of this dangerous corporation shall be cut off and the Government and country left exposed to its unrestrained machinations against the purity of the press and public liberty, I shall, after having made this effort to avert so great an evil, rest for the justification of my official course with respectful confidence on the judgment of the American people.

In conclusion it is proper I should inform the Senate that there is now no Government director appointed for the present year, Mr. Bayard, who was nominated, and confirmed by the Senate, having refused to accept that appointment.

ANDREW JACKSON.

WASHINGTON, *March 14, 1834.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, accompanied by a copy of a letter from the commissioners appointed to adjust the claims of our citizens under the late treaty with Naples, and suggest for the consideration of Congress the expediency of extending the term allowed for the performance of the duties assigned to them.

ANDREW JACKSON

WASHINGTON, *March 20, 1834.*

To the Senate of the United States:

I transmit herewith to the Senate a report* from the Secretary of State, with the documents accompanying it, in pursuance of their resolution of the 7th instant, relative to the ship *Olive Branch.*

ANDREW JACKSON.

WASHINGTON, *March 22, 1834.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report† from the Secretary of State, upon the subject of a resolution of the 10th instant, which was referred to that officer.

ANDREW JACKSON.

WASHINGTON, *April 1, 1834.*

To the Senate and House of Representatives:

I transmit for the consideration of Congress a report from the Secretary of State, and recommend that legislative measures may be taken to prevent the counterfeiting of foreign coins and the exporting of counterfeit coins from the United States.

ANDREW JACKSON.

WASHINGTON, *April 2, 1834.*

To the Senate and House of Representatives:

I lay before Congress a communication from the governor of New York and a copy of a communication from the governor of New Jersey, addressed to me with a view of obtaining the consent of Congress to an agreement which has been entered into by the States of New York and New Jersey to settle the boundary line between those States. The agreement and authenticated copies of the acts of the legislatures of New York and New Jersey relating to it are also transmitted.

ANDREW JACKSON.

WASHINGTON, *April 8, 1834.*

To the Senate:

I transmit herewith a report from the Commissioner of the General Land Office, made in compliance with the resolution of the Senate of the 29th ultimo, calling for "the dates of the proclamations and the times

* Transmitting memorial of the heir at law of General Ira Allen, relative to the capture, detention, and condemnation of the ship *Olive Branch* and her cargo by the British Government; also copy of instructions given to the United States minister to Great Britain and of correspondence between him and the British Government on the subject.

† Transmitting correspondence and papers relating to the claim of Don Juan Madrazo, a Spanish subject, for losses occasioned by acts of the United States and Georgia.

of sale specified in each of the sales of the public lands in the district of country acquired from the Choctaw tribe of Indians by the treaty of Dancing Rabbit Creek and from the Creek tribe of Indians in Alabama; and also the causes, if any existed, of a shorter notice being given for the sale of these lands than is usual in the sale of the other public lands."

ANDREW JACKSON.

WASHINGTON, *April 17, 1834.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention for the settlement of claims between the United States of America and Her Catholic Majesty, concluded at Madrid on the 17th of February, 1834.

ANDREW JACKSON.

WASHINGTON, *May 1, 1834.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I submit for the sanction of Congress certain proposals for amending the present laws in relation to the naval service, prepared and reported by the board constituted under the act of May 19, 1832.

The papers on this subject are Nos. 1 to 5, inclusive.

These proposals are approved by me, and if adopted in the form of laws appear well suited "to the present and future exigencies of that important arm of national defense."

ANDREW JACKSON.

WASHINGTON, *May 12, 1834.*

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of a treaty of navigation and commerce between the United States and His Majesty the Emperor of all the Russias, concluded at St. Petersburg on the 6th (18th) of December, 1832, and the ratifications of which were exchanged in this city on the 11th of May, 1833.

ANDREW JACKSON.

WASHINGTON, *May 13, 1834.*

To the Senate and House of Representatives of the United States:

I communicate to Congress copies of a convention between the United States and His Majesty the King of the Kingdom of the Two Sicilies, to terminate the reclamations of the former for the depredations inflicted upon American commerce by Murat during the years 1809, 1810, 1811, and 1812, concluded at Naples on the 14th of October, 1832, and the ratifications of which were exchanged at the same place on the 8th of June, 1833.

ANDREW JACKSON.

WASHINGTON, *May 15, 1834.*

To the Senate and House of Representatives:

I transmit herewith to Congress copies of a treaty of peace, amity commerce, and navigation between the United States and the Republic of Chilé, concluded at Santiago de Chilé on the 1st of September, 1833, and the ratifications of which were exchanged in this city on the 29th of April last.

ANDREW JACKSON.

WASHINGTON, *May 19, 1834.*

To the House of Representatives of the United States:

I transmit a letter from the Marquis de Rochambeau to the minister of the United States in France, together with a translation of the same, referring to the petition of certain descendants of the Count de Rochambeau, which was communicated to the House of Representatives with my message of the 22d of February, 1833. Extracts from the dispatches of Mr. Livingston to the Secretary of State respecting the same subject are also sent.

I likewise transmit, for the consideration of the House, a petition from the heirs of the Baron de Kalb, accompanied by a note from General Lafayette, praying remuneration for the services rendered by the Baron to the United States during the War of the Revolution.

ANDREW JACKSON.

MAY 21, 1834.

To the Senate of the United States:

I nominate Arthur St. Clair to be register of the land office for the district of lands subject to sale at Indianapolis, in the State of Indiana, in the place of William B. Slaughter, appointed during the recess of the Senate.

As Arthur St. Clair was heretofore appointed to this office and was removed during the recess, it is proper to state the reasons which induce me again to nominate him to the Senate.

During the last summer an agent was appointed by the Treasury Department to examine the land offices in Indiana, and upon his report to the Department of the proceedings in the register's and receiver's offices at Indianapolis I deemed it proper to remove both of those officers without delay. A subsequent examination by a different agent enabled the parties to offer explanations of the charges against them in the first report, and although I am satisfied that the duty of the first agent was honestly and faithfully performed by him, yet the circumstances on which his report is founded have since been so explained as to acquit both of the officers who were removed of any intentional misconduct. In the case of Mr St. Clair, however, it appears from both of the reports that he had

permitted the clerk in his office to be the agent of speculations in land scrip contrary to the instructions received by him from the Treasury Department, but I am convinced that he himself did not participate in the speculation nor share in the profits, and that he gave the permission under a mistaken construction of the order and erroneous views of his duty as an officer. His mistake in this respect seems to have arisen in a great measure from his reliance on the judgment of others in whom he might well have supposed he could confide, and who appear to have sanctioned the course he adopted without sufficiently examining the subject and the evils to which such a practice would necessarily lead. Under these circumstances I have believed it to be an act of justice to Mr. St. Clair to present his name again to the Senate, as he can be reinstated in the office from which he was removed without injury to the person who in the recess was selected to succeed him. And I should have adopted the same course in relation to the receiver but for the peculiar circumstances in which his successor has been placed, and which would render it an act of injustice to him not to submit his name to the Senate for confirmation.

The reports and papers in relation to these removals are herewith transmitted to the Senate, in order that they may act in the case with the whole evidence before them.

ANDREW JACKSON.

WASHINGTON, *May 21, 1834.*

To the House of Representatives:

I lay before the House of Representatives a copy of a "convention for the settlement of claims between the United States of America and Her Catholic Majesty," concluded on the 17th of February last.

This convention has been ratified by me, agreeably to the Constitution, and will be immediately transmitted to Madrid, where it will doubtless be ratified by Her Majesty.

It is deemed proper to communicate the convention thus early, that provision may be made for carrying the first article into effect as soon as the ratifications shall have been exchanged, in order that our citizens may with as little delay as possible obtain the stipulated compensation.

ANDREW JACKSON.

WASHINGTON, *May 28, 1834.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty and a supplement thereto, concluded between John H. Eaton, a commissioner on the part of the United States, and a delegation from the Chickasaw tribe of Indians, together with the journal of proceedings.

ANDREW JACKSON.

WASHINGTON, *May 30, 1834.*

To the Senate of the United States:

It having been represented to me by persons whose statements and opinions were thought worthy of confidence that the trade of the United States might be extended and rendered more lucrative by commercial arrangements with the countries bordering on the Indian Ocean, and being informed that the success of any efforts which might be made to accomplish that object would materially depend upon the secrecy with which they should be conducted, I appointed Mr. Edmund Roberts a special agent of this Government for the purpose of visiting those seas and concluding such commercial conventions as might have the effect of securing additional advantages to our trade in that quarter. This agency has resulted in the conclusion of treaties with the King of Siam and the Sultan of Muscat, whereby the commerce of the United States with the countries subject to the dominion of those princes, which had been previously embarrassed by serious disadvantages and obstructions, is placed upon a footing with that of the most favored nation. These treaties, the former of which was signed at the city of Siayuthia (commonly called Bankok) on the 20th day of March, 1833, and the latter at the city of Muscat on the 21st day of September of the same year, are submitted to the Senate for their consideration and advice.

I transmit a copy of the instructions which were given to the special agent and a communication made by him to the Secretary of State, containing particular and important information respecting the countries with which these treaties have been concluded. The expenses of the agency have been defrayed out of the contingent fund for foreign intercourse.

ANDREW JACKSON.

WASHINGTON, *June 13, 1834.*

To the Senate:

I have this day received a resolution of the 12th instant, requesting me to communicate to the Senate a copy of the first official communication which was made to Andrew Stevenson of the intention of the President to nominate him as a minister plenipotentiary and envoy extraordinary to the United Kingdom of Great Britain and Ireland, and his answer thereto.

As a compliance with this resolution might be deemed an admission of the right of the Senate to call upon the President for confidential correspondence of this description, I consider it proper on this occasion to remark that I do not acknowledge such a right. But to avoid misrepresentation I herewith transmit a copy of the paper in question, which was the only communication made to Mr. Stevenson on the subject.

This communication merely intimated the intention of the President in a particular contingency to offer to Mr. Stevenson the place of minister

to the Court of St. James, and as the negotiations to which it refers were commenced early in April, 1833, in this city instead of London, and have been since conducted here, no further communication was made to him. I have no knowledge that an answer was received from Mr. Stevenson; none is to be found in the Department of State and none has been received by me.

ANDREW JACKSON.

WASHINGTON, *June 18, 1834.*

To the Senate and House of Representatives of the United States:

I transmit to Congress an extract of a dispatch from Mr. Livingston, the minister of the United States at Paris, dated the 7th ultimo, and the copy of a communication made to him by Captain Ballard, commander of the frigate *United States*, by which it appears that in firing a national salute from that ship at Toulon, in honor of the birthday of the King of the French, two men were killed and four others wounded on board the French ship of war *Suffren*. Suitable explanations were immediately made to the French admiral; and the officers and crew of the American frigate, with that generosity which distinguishes their profession, promptly contributed, by a liberal subscription, toward providing for the families of the unfortunate sufferers. I am sure, however, that I should not do justice to the feelings of the American people on this occasion if I did not invite Congress to assume, on their part, this melancholy duty. I propose, therefore, that the same provision be made by law for these French seamen and their families as would be made for American seamen killed or wounded in battle. This proceeding will show the deep sensibility with which the disastrous accident is viewed by the United States, and their readiness to alleviate those consequences which can not be remedied.

ANDREW JACKSON.

WASHINGTON, *June 20, 1834.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, for their consideration, a memorial from the granddaughters of the Count de Rochambeau, together with their letter to the minister of the United States in France, from whom these papers have been recently received.

Translations of these documents accompany them.

ANDREW JACKSON.

WASHINGTON, *June 21, 1834.*

To the Senate and House of Representatives of the United States:

The afflicting intelligence of the death of the illustrious Lafayette has been received by me this morning.

I have issued the general order inclosed* to cause appropriate honors to be paid by the Army and Navy to the memory of one so highly venerated and beloved by my countrymen, and whom Providence has been pleased to remove so unexpectedly from the agitating scenes of life.

ANDREW JACKSON.

JUNE 23, 1834.

To the Senate of the United States:

I transmit for the consideration and action of the Senate a treaty concluded with the Cherokees for the cession of their lands east of the Mississippi River.

It is known to the Senate that for some years great difficulties have been experienced in the relations of that tribe. Without further allusion to these than as they furnish strong inducements to a final settlement of all the questions involved in our intercourse with these Indians, it is obvious from the existing state of things that they can not continue in their present position with any hope of ultimate prosperity. I have been, therefore, desirous that a just and satisfactory arrangement should be made for their removal, and propositions to that effect upon a liberal scale have been repeatedly made to them. These have until now been rejected, and their rejection, I have been induced to believe, has been owing more to the ascendency acquired by individuals who are unwilling to go than to the deliberative opinion of a majority of the Cherokee people. Some years since a form of government was established among them, but since the extension of the laws of Georgia and Alabama over them this government can have no binding effect upon a great majority of them. Its obligation is also denied by many of them in consequence of the continuance of certain persons in power contrary to the principles of their fundamental articles of association. A delegation from the persons claiming to hold their authority under the former existing state of things is in this city, and have communicated with the War Department on the subject of their situation and removal. They deny the right of the persons who have negotiated this treaty to perform such an act, and have remonstrated against it. Copies of their communications are herewith transmitted.

The delegation who have signed the present treaty have produced an authority from William Hicks, designating himself as principal chief, and others, signing the same in an official capacity. It is understood from the report of Major Currie, the enrolling agent, that public notice was given to all persons desirous of emigrating to attend upon a particular day and place in order to appoint representatives to communicate with the Government and to arrange the terms of cession and removal. In conformity with this notice a meeting was held and the authority herein referred to was the result.

*See under Executive Orders, pp. 1313–1314.

In consequence of this application John H. Eaton was appointed to meet and confer with them and to report their views to the War Department. These are embodied in the treaty which is presented to your consideration.

Under these circumstances I submit the matter to the decision of the Senate. The practice of the Government has not been very strict on the subject of the authority of the persons negotiating treaties on the part of the Indians. Sometimes it has been done by persons representing the tribe and sometimes by the individuals composing it. I am not aware that a case similar in its features to the present has ever before required the action of the Government. But, independently of the considerations which so forcibly urge a settlement of this matter, no injustice can be done to the Indians by the ratification of this treaty. It is expressly provided that it will not be binding upon them till a majority has assented to its stipulations. When that assent is given no one can justly deny its obligation.

The Cherokees east of the Mississippi occupy a portion of the territories of four States, to wit, Georgia, North Carolina, Tennessee, and Alabama. The treaty provides that the communities inhabiting those divisions shall each be considered as acting for themselves independently of the others. We have frequently in our intercourse with the Indians treated with different portions of the same tribe as separate communities. Nor is there any injustice in this as long as they are separated into divisions without any very strong bond of union, and frequently with different interests and views. By requiring the assent of a majority to any act which will bind them we insure the preservation of a principle which will afford adequate security to their rights.

ANDREW JACKSON.

VETO MESSAGE.*

DECEMBER 4, 1833.

To the Senate of the United States:

At the close of the last session of Congress I received from that body a bill entitled "An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States." The brief period then remaining before the rising of Congress and the extreme pressure of official duties unavoidable on such occasions did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and

* Pocket veto.

have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the Senate, in which it originated, with the reasons on which my dissent is founded.

I am fully sensible of the importance, as it respects both the harmony and union of the States, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands, and any measure for that object providing for the reimbursement to the United States of those expenses with which they are justly chargeable that may be consistent with my views of the Constitution, sound policy, and the rights of the respective States will readily receive my cooperation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only, and in its terms appears to anticipate alterations within that time, at the discretion of Congress; and it furnishes no adequate security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands to avert.

Neither the merits of the bill under consideration nor the validity of the objections which I have felt it to be my duty to make to its passage can be correctly appreciated without a full understanding of the manner in which the public lands upon which it is intended to operate were acquired and the conditions upon which they are now held by the United States. I will therefore precede the statement of those objections by a brief but distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any government for the protection of their common interests. In October, 1777, while Congress were framing the Articles of Confederation, a proposition was made to amend them to the following effect, viz:

> That the United States in Congress assembled shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the Mississippi or South Sea, and lay out the land beyond the boundary so ascertained into separate and independent States from time to time as the numbers and circumstances of the people thereof may require.

It was, however, rejected, Maryland only voting for it, and so difficult did the subject appear that the patriots of that body agreed to waive it in the Articles of Confederation and leave it for future settlement.

On the submission of the Articles to the several State legislatures for ratification the most formidable objection was found to be in this subject of the waste lands. Maryland, Rhode Island, and New Jersey instructed their delegates in Congress to move amendments to them providing that the waste or Crown lands should be considered the common property of the United States, but they were rejected. All the States except Maryland acceded to the Articles, notwithstanding some of them did so with the reservation that their claim to those lands as common property was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the Articles, Maryland withheld her assent, and in May, 1779, embodied her objections in the form of instructions to her delegates, which were entered upon the Journals of Congress. The following extracts are from that document, viz:

Is it possible that those States who are ambitiously grasping at territories to which in our judgment they have not the least shadow of exclusive right will use with greater moderation the increase of wealth and power derived from those territories when acquired than what they have displayed in their endeavors to acquire them? * * *

We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British Crown and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parceled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct. * * *

Virginia proceeded to open a land office for the sale of her Western lands, which produced such excitement as to induce Congress, in October, 1779, to interpose and earnestly recommend to "the said State and all States similarly circumstanced to forbear settling or issuing warrants for such unappropriated lands, or granting the same, during the continuance of the present war."

In March, 1780, the legislature of New York passed an act tendering a cession to the United States of the claims of that State to the Western territory, preceded by a preamble to the following effect, viz:

Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas the Articles of Confederation and Perpetual Union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war, and the people of the State of New York being on all occasions disposed to manifest their regard for their sister States and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing as far as it depends upon them the before-mentioned impediment to its final accomplishment. * * *

This act of New York, the instructions of Maryland, and a remonstrance of Virginia were referred to a committee of Congress, who reported a preamble and resolutions thereon, which were adopted on the 6th September, 1780; so much of which as is necessary to elucidate the subject is to the following effect, viz:

That it appears advisable to press upon those States which can remove the embarrassments respecting the Western country a liberal surrender of a portion of their territorial claims, since they can not be preserved entire without endangering the stability of the General Confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis and on principles

acceptable to all its respective members; how essential to public credit and confidence, to the support of our Army, to the vigor of our counsels and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the several legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration. * * *

Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several States, and that it be earnestly recommended to those States who have claims to the Western country to pass such laws and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the Articles of Confederation, and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said Articles.

Following up this policy, Congress proceeded, on the 10th October, 1780, to pass a resolution pledging the United States to the several States as to the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz:

Resolved, That the unappropriated lands which may be ceded or relinquished to the United States by any particular State pursuant to the recommendation of Congress of the 6th day of September last shall be disposed of for the common benefit of the United States and be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States; * * * that the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them.

In February, 1781, the legislature of Maryland passed an act authorizing their delegates in Congress to sign the Articles of Confederation. The following are extracts from the preamble and body of the act, viz:

Whereas it hath been said that the common enemy is encouraged by this State not acceding to the Confederation to hope that the union of the sister States may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America, and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the Confederation. * * *

The act of which this is the preamble authorizes the delegates of that State to sign the Articles, and proceeds to declare "that by acceding to the said Confederation this State doth not relinquish, nor intend to relinquish, any right or interest she hath with the other united or confederated States to the back country," etc.

On the 1st of March, 1781, the delegates of Maryland signed the Articles of Confederation, and the Federal Union under that compact was complete. The conflicting claims to the Western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress upon the States

claiming them to make liberal cessions to the United States, and it was not until long after the present Constitution was formed that the grants were completed.

The deed of cession from New York was executed on the 1st of March, 1781, the day the Articles of Confederation were ratified, and it was accepted by Congress on the 29th October, 1782. One of the conditions of this cession thus tendered and accepted was that the lands ceded to the United States "*shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever.*"

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784. One of the conditions of this cession is as follows, viz:

That all the lands within the territory as ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes or disposed of in bounties to the officers and soldiers of the American Army, *shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*

Within the years 1785, 1786, and 1787 Massachusetts, Connecticut, and South Carolina ceded their claims upon similar conditions. The Federal Government went into operation under the existing Constitution on the 4th of March, 1789. The following is the only provision of that Constitution which has a direct bearing on the subject of the public lands, viz:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Thus the Constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new Government as they were under the Confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress approved April 2, 1790. The third condition of this cession was in the following words, viz:

That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, *shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*

The cession of Georgia was completed on the 16th June, 1802, and in its leading condition is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands generally called *public lands* lying within the original limits of

the Confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the common treasure of the United States, are as much the property of the General Government, to be disposed of for the common benefit, as those ceded by the several States.

By the facts here collected from the early history of our Republic it appears that the subject of the public lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an ordinance providing for the sales of lands in the Western territory and directing the proceeds to be paid into the Treasury of the United States. With the same object other ordinances were adopted prior to the organization of the present Government.

In further execution of these compacts the Congress of the United States under the present Constitution, as early as the 4th of August, 1790, in "An act making provision for the debt of the United States," enacted as follows, viz:

> That the proceeds of sales which shall be made of lands in the Western territory now belonging or that may hereafter belong to the United States shall be and are hereby appropriated toward sinking or discharging the debts for the payment whereof the United States now are or by virtue of this act may be holden, and shall be applied solely to that use until the said debt shall be fully satisfied.

To secure to the Government of the United States forever the power to execute these compacts in good faith the Congress of the Confederation, as early as July 13, 1787, in an ordinance for the government of the territory of the United States northwest of the river Ohio, prescribed to the people inhabiting the Western territory certain conditions which were declared to be "articles of compact between the original States and the people and States in the said territory," which should "forever remain unalterable, unless by common consent." In one of these articles it is declared that—

> The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide purchasers.*

This condition has been exacted from the people of all the new territories, and to put its obligation beyond dispute each new State carved out of the public domain has been required explicitly to recognize it as one of the conditions of admission into the Union. Some of them have declared through their conventions in separate acts that their people "forever disclaim all right and title to the waste and unappropriated lands lying within this State, and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves, in all their acts down to this day, in legislating for the Territories and admitting States into the Union, the unshackled power to execute in good faith the compacts of cession made with the original States. From these facts and proceedings it plainly and certainly results—

1. That one of the fundamental principles on which the Confederation of the United States was originally based was that the waste lands of the West within their limits should be the common property of the United States.

2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That in execution of these solemn compacts the Congress of the United States did, under the Confederation, proceed to sell these lands and put the avails into the common Treasury, and under the new Constitution did repeatedly pledge them for the payment of the public debt of the United States, by which pledge each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which I think can not be contested by anyone who examines the proceedings of the Revolutionary Congress, the cessions of the several States, and the acts of Congress under the new Constitution. Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether those compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compacts with the States, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debt the compacts remain in full force, and the obligation of the United States to dispose of the lands for the common benefit is neither destroyed nor impaired. As they can not now be executed in that mode, the only legitimate question which can arise is, In what other way are these lands to be hereafter disposed of for the

common benefit of the several States, "*according to their respective and usual proportion in the general charge and expenditure*"? The cessions of Virginia, North Carolina, and Georgia in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare that they shall be "*faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*" This is the fundamental law of the land at this moment, growing out of compacts which are older than the Constitution, and formed the corner stone on which the Union itself was erected.

In the practice of the Government the proceeds of the public lands have not been set apart *as a separate fund* for the payment of the public debt, but have been and are now paid into the Treasury, where they constitute a part of the aggregate of revenue upon which the Government draws as well for its current expenditures as for payment of the public debt. In this manner they have heretofore and do now lessen the general charge upon the people of the several States in the exact proportions stipulated in the compacts.

These general charges have been composed not only of the public debt and the usual expenditures attending the civil and military administrations of the Government, but of the amounts paid to the States with which these compacts were formed, the amounts paid the Indians for their right of possession, the amounts paid for the purchase of Louisiana and Florida, and the amounts paid surveyors, registers, receivers, clerks, etc., employed in preparing for market and selling the Western domain.

From the origin of the land system down to the 30th September, 1832, the amount expended for all these purposes has been about $49,701,280, and the amount received from the sales, deducting payments on account of roads, etc., about $38,386,624. The revenue arising from the public lands, therefore, has not been sufficient to meet the general charges on the Treasury which have grown out of them by about $11,314,656. Yet in having been applied to lessen those charges the conditions of the compacts have been thus far fulfilled, and each State has profited according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased and the charges have diminished, so that at a reduced price those lands would now defray all current charges growing out of them and save the Treasury from further advances on their account. Their original intent and object, therefore, would be accomplished as fully as it has hitherto been by reducing the price and hereafter, as heretofore, bringing the proceeds into the Treasury. Indeed, as this is the only mode in which the objects of the original compact can be attained, it may be considered for all practical purposes that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their

Western domain, and treats the subject as if they never had existence and as if the United States were the original and unconditional owners of all the public lands. The first section directs—

> That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them respectively upon their admission into the Union and the United States, the sum of 12½ per cent upon the net amount of the sales of the public lands which subsequent to the day aforesaid shall be made within the several limits of the said States, which said sum of 12½ per cent shall be applied to some object or objects of internal improvement or education within the said States under the direction of their several legislatures.

This 12½ per cent is to be taken out of the net proceeds of the land sales before any apportionment is made, and the same seven States which are first to receive this proportion are also to receive their due proportion of the residue according to the ratio of general distribution.

Now, waiving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objectionable character than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made, that it abrogates the condition upon which some of the States came into the Union, and that it sets at naught the terms of cession spread upon the face of every grant under which the title to that portion of the public land is held by the Federal Government?

In the apportionment of the remaining seven-eighths of the proceeds this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure provided by the compacts, it adopts that of the Federal representative population. Virginia and other States which ceded their lands upon the express condition that they should receive a benefit from their sales in proportion to their part of the general charge are by the bill allowed only a portion of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their Federal representative population.

The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "*shall be so construed as to prejudice any claims of the United States or of any particular State*," it virtually provides that these compacts and the rights they secure shall remain untouched by the legislative power, which shall only make all "*needful rules and regulations*" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great

States which had won liberty were willing to pay for that union without which they plainly saw it could not be preserved. It was not for territory or state power that our Revolutionary fathers took up arms; it was for individual liberty and the right of self-government. The expulsion from the continent of British armies and British power was to them a barren conquest if through the collisions of the redeemed States the individual rights for which they fought should become the prey of petty military tyrannies established at home. To avert such consequences and throw around liberty the shield of union, States whose relative strength at the time gave them a preponderating power magnanimously sacrificed domains which would have made them the rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederated States. This enlightened policy produced union and has secured liberty. It has made our waste lands to swarm with a busy people and added many powerful States to our Confederation. As well for the fruits which these noble works of our ancestors have produced as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill which would have impelled me to withhold my signature had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It reasserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, from which I was compelled to withhold my consent for reasons contained in my message of the 27th May, 1830, to the House of Representatives.

The leading principle then asserted was that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle I can not be mistaken in supposing has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly that the interests of our people and the purity of our Government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales are a part of the public revenue. This bill proposes to raise from and appropriate a portion of this public revenue to certain States, providing expressly that it shall "*be applied to objects of internal improvement or education within those States*," and then proceeds to appropriate the balance to all the States, with the declaration that it shall be applied "*to such purposes as the legislatures of the said respective States shall deem proper.*" The former appropriation is expressly for internal improvements or education, without qualification as to the kind of improvements, and therefore in express violation of the principle maintained in my objections to the turnpike-road bill above referred to. The latter appropriation is more broad, and gives the money to be applied to

any local purpose whatsoever. It will not be denied that under the provisions of the bill a portion of the money might have been applied to making the very road to which the bill of 1830 had reference, and must of course come within the scope of the same principle. If the money of the United States can not be applied to local purposes *through its own agents*, as little can it be permitted to be thus expended *through the agency of the State governments*.

It has been supposed that with all the reductions in our revenue which could be speedily effected by Congress without injury to the substantial interests of the country there might be for some years to come a surplus of moneys in the Treasury, and that there was in principle no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object were to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned, but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government, by which they are not wanted, but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be increased from time to time, without any departure from the principle now asserted, until the State governments shall derive all the funds necessary for their support from the Treasury of the United States, or, if a sufficient supply should be obtained by some States and not by others, the deficient States might complain; and to put an end to all further difficulty Congress, without assuming any new principle, need go but one step further and put the

salaries of all the State governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation can not be devised. Money is power, and in that Government which pays all the public officers of the States will all political power be substantially concentrated. The State governments, if governments they might be called, would lose all their independence and dignity; the economy which now distinguishes them would be converted into a profusion, limited only by the extent of the supply. Being the dependents of the General Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass and by whatever forms their duties might be prescribed, would in effect be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several States will be satisfied on a little reflection that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their State governments and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the taxgatherer and paymaster of all their State governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of all the blessings now derived from our happy Union.

However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State governments, I can not assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as in effect assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treasury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution, as well as for making every local improvement, however trivial, I can not give it my assent.

It is difficult to perceive what advantages would accrue to the old States or the new from the system of distribution which this bill proposes if it were otherwise unobjectionable. It requires no argument to prove that if $3,000,000 a year, or any other sum, shall be taken out of the Treasury by this bill for distribution it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the Treasury, but they will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of *seven-eighths* of the proceeds of land sales which they are *to receive*, but they must *pay* their due proportion of the *whole*. Disguise it as we may, the bill proposes to them a

dead loss in the ratio of *eight* to *seven*, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The *governments* of the States will receive *seven* dollars, for which the *people* of the States will pay *eight*. The large sums received will be palpable to the senses; the small sums paid it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if *seven hundred dollars* were given them from the public Treasury, for which they were at the same time required to pay in taxes, direct or indirect, *eight hundred*.

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true the bill reserves to Congress the power to reduce the price, but the effect of its details as now arranged would probably be forever to prevent its exercise.

With the just men who inhabit the new States it is a sufficient reason to reject this system that it is in violation of the fundamental laws of the Republic and its Constitution. But if it were a mere question of interest or expediency they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries in competition with the settlement of their waste lands and the increase of their population. They would not consider a small or a large annual sum to be paid to their governments and immediately expended as an equivalent for that enduring wealth which is composed of flocks and herds and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands, and the increase of a hardy race of free citizens, their glory in peace and their defense in war.

On the whole, I adhere to the opinion, expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease as soon as practicable to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after a considerable reduction in the price. By meeting in the Treasury so much of the general charge as arises from that source they will hereafter, as they have been heretofore, be disposed of for the common benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price

of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from $2 per acre to $1.25, and upon the will of Congress it depends whether there shall be a further reduction. While the burdens of the East are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least. It would be just to the old States and the new, conciliate every interest, disarm the subject of all its dangers, and add another guaranty to the perpetuity of our happy Union.

Sensible, however, of the difficulties which surround this important subject, I can only add to my regrets at finding myself again compelled to disagree with the legislative power the sincere declaration that any plan which shall promise a final and satisfactory disposition of the question and be compatible with the Constitution and public faith shall have my hearty concurrence.

ANDREW JACKSON.

[NOTE.—For reasons for the pocket veto of "An act to improve the navigation of the Wabash River," see Sixth Annual Message, dated December 1, 1834, pp. 1337–1342.]

PROTEST.*

APRIL 15, 1834.

To the Senate of the United States:

It appears by the published Journal of the Senate that on the 26th of December last a resolution was offered by a member of the Senate, which after a protracted debate was on the 28th day of March last modified by the mover and passed by the votes of twenty-six Senators out of forty-six who were present and voted, in the following words, viz:

Resolved, That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

Having had the honor, through the voluntary suffrages of the American people, to fill the office of President of the United States during the

*The Senate ordered that it be not entered on the Journal.

period which may be presumed to have been referred to in this resolution, it is sufficiently evident that the censure it inflicts was intended for myself. Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and Constitution of my country.

It can seldom be necessary for any department of the Government, when assailed in conversation or debate or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct or of pointing out any irregularity or injustice in the manner of the attack; but when the Chief Executive Magistrate is, by one of the most important branches of the Government in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and Constitution, it is due to his station, to public opinion, and to a proper self-respect that the officer thus denounced should promptly expose the wrong which has been done.

In the present case, moreover, there is even a stronger necessity for such a vindication. By an express provision of the Constitution, before the President of the United States can enter on the execution of his office he is required to take an oath or affirmation in the following words:

> I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States.

The duty of defending so far as in him lies the integrity of the Constitution would indeed have resulted from the very nature of his office, but by thus expressing it in the official oath or affirmation, which in this respect differs from that of any other functionary, the founders of our Republic have attested their sense of its importance and have given to it a peculiar solemnity and force. Bound to the performance of this duty by the oath I have taken, by the strongest obligations of gratitude to the American people, and by the ties which unite my every earthly interest with the welfare and glory of my country, and perfectly convinced that the discussion and passage of the above-mentioned resolution were not only unauthorized by the Constitution, but in many respects repugnant to its provisions and subversive of the rights secured by it to other coordinate departments, I deem it an imperative duty to maintain the supremacy of that sacred instrument and the immunities of the department intrusted to my care by all means consistent with my own lawful powers, with the rights of others, and with the genius of our civil institutions. To this end I have caused this my *solemn protest* against the aforesaid proceedings to be placed on the files of the executive department and to be transmitted to the Senate.

It is alike due to the subject, the Senate, and the people that the views

FIRST PASSENGER TRAIN IN THE UNITED STATES

RAILROAD DEVELOPMENT

In 1825 New York granted the first railroad charter to a company called the Mohawk and Hudson Railroad Company. In 1831 that road was completed. The type of rolling-stock is shown in the illustration. The earliest application of the railway seems to have been in 1807, when one Stephen Whitney laid rails down the slope of Beacon Hill in Boston to facilitate the transportation of gravel. The full cars rolling down one track pulled empty cars up the other. Another man, in 1809, built a railway from his quarry to tide-water, a distance of three-quarters of a mile, and for eighteen years hauled rock over it by means of horse power. In 1827 the Maryland Legislature chartered the Baltimore and Ohio Railroad Company. In 1830 there were in the United States 23 miles of passenger railways.

Presidential references to railroad building are given in the Encyclopedic Index, under headings beginning with "Railroad Commission" and ending with "Railway Postal Service." The article "Pacific Railroads" tells the interesting story of the transcontinental systems.

which I have taken of the proceedings referred to, and which compel me to regard them in the light that has been mentioned, should be exhibited at length, and with the freedom and firmness which are required by an occasion so unprecedented and peculiar.

Under the Constitution of the United States the powers and functions of the various departments of the Federal Government and their responsibilities for violation or neglect of duty are clearly defined or result by necessary inference. The legislative power is, subject to the qualified negative of the President, vested in the Congress of the United States, composed of the Senate and House of Representatives; the executive power is vested exclusively in the President, except that in the conclusion of treaties and in certain appointments to office he is to act with the advice and consent of the Senate; the judicial power is vested exclusively in the Supreme and other courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the House of Representatives and that of hearing and determining in the Senate. But although for the special purposes which have been mentioned there is an occasional intermixture of the powers of the different departments, yet with these exceptions each of the three great departments is independent of the others in its sphere of action, and when it deviates from that sphere is not responsible to the others further than it is expressly made so in the Constitution. In every other respect each of them is the coequal of the other two, and all are the servants of the American people, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the President are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and on due conviction to removal from office and perpetual disqualification; and notwithstanding such conviction, he may also be indicted and punished according to law. He is also liable to the private action of any party who may have been injured by his illegal mandates or instructions in the same manner and to the same extent as the humblest functionary. In addition to the responsibilities which may thus be enforced by impeachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion for every act of his Administration. Subject only to the restraints of truth and justice, the free people of the United States have the undoubted right, as individuals or collectively, orally or in writing, at such times and in such language and form as they may think proper, to discuss his official conduct and to express and promulgate their opinions concerning it. Indirectly also his conduct may come under review in either branch of the Legislature, or in the Senate when acting in its executive capacity, and so far as the executive or legislative proceedings of these bodies may require it, it may be exercised by them. These are believed to be the proper and only modes in which the

President of the United States is to be held accountable for his official conduct.

Tested by these principles, the resolution of the Senate is wholly unauthorized by the Constitution, and in derogation of its entire spirit. It assumes that a single branch of the legislative department may for the purposes of a public censure, and without any view to legislation or impeachment, take up, consider, and decide upon the official acts of the Executive. But in no part of the Constitution is the President subjected to any such responsibility, and in no part of that instrument is any such power conferred on either branch of the Legislature.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the Senate and a comparison of their recent proceedings with those powers.

The high functions assigned by the Constitution to the Senate are in their nature either legislative, executive, or judicial. It is only in the exercise of its judicial powers, when sitting as a court for the trial of impeachments, that the Senate is expressly authorized and necessarily required to consider and decide upon the conduct of the President or any other public officer. Indirectly, however, as has already been suggested, it may frequently be called on to perform that office. Cases may occur in the course of its legislative or executive proceedings in which it may be indispensable to the proper exercise of its powers that it should inquire into and decide upon the conduct of the President or other public officers, and in every such case its constitutional right to do so is cheerfully conceded. But to authorize the Senate to enter on such a task in its legislative or executive capacity the inquiry must actually grow out of and tend to some legislative or executive action, and the decision, when expressed, must take the form of some appropriate legislative or executive act.

The resolution in question was introduced, discussed, and passed not as a joint but as a separate resolution. It asserts no legislative power, proposes no legislative action, and neither possesses the form nor any of the attributes of a legislative measure. It does not appear to have been entertained or passed with any view or expectation of its issuing in a law or joint resolution, or in the repeal of any law or joint resolution, or in any other legislative action.

Whilst wanting both the form and substance of a legislative measure, it is equally manifest that the resolution was not justified by any of the executive powers conferred on the Senate. These powers relate exclusively to the consideration of treaties and nominations to office, and they are exercised in secret session and with closed doors. This resolution does not apply to any treaty or nomination, and was passed in a public session.

Nor does this proceeding in any way belong to that class of incidental resolutions which relate to the officers of the Senate, to their Chamber

and other appurtenances, or to subjects of order and other matters of the like nature, in all which either House may lawfully proceed without any cooperation with the other or with the President.

On the contrary, the whole phraseology and sense of the resolution seem to be judicial. Its essence, true character, and only practical effect are to be found in the conduct which it charges upon the President and in the judgment which it pronounces on that conduct. The resolution, therefore, though discussed and adopted by the Senate in its legislative capacity, is in its office and in all its characteristics essentially judicial.

That the Senate possesses a high judicial power and that instances may occur in which the President of the United States will be amenable to it is undeniable; but under the provisions of the Constitution it would seem to be equally plain that neither the President nor any other officer can be rightfully subjected to the operation of the judicial power of the Senate except in the cases and under the forms prescribed by the Constitution.

The Constitution declares that "the President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors;" that the House of Representatives "shall have the sole power of impeachment;" that the Senate "shall have the sole power to try all impeachments;" that "when sitting for that purpose they shall be on oath or affirmation;" that "when the President of the United States is tried the Chief Justice shall preside;" that "no person shall be convicted without the concurrence of two-thirds of the members present," and that "judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States."

The resolution above quoted charges, in substance, that in certain proceedings relating to the public revenue the President has usurped authority and power not conferred upon him by the Constitution and laws, and that in doing so he violated both. Any such act constitutes a high crime—one of the highest, indeed, which the President can commit—a crime which justly exposes him to impeachment by the House of Representatives, and, upon due conviction, to removal from office and to the complete and immutable disfranchisement prescribed by the Constitution. The resolution, then, was in substance an impeachment of the President, and in its passage amounts to a declaration by a majority of the Senate that he is guilty of an impeachable offense. As such it is spread upon the journals of the Senate, published to the nation and to the world, made part of our enduring archives, and incorporated in the history of the age. The punishment of removal from office and future disqualification does not, it is true, follow this decision, nor would it have followed the like decision if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result. But the

moral influence of a solemn declaration by a majority of the Senate that the accused is guilty of the offense charged upon him has been as effectually secured as if the like declaration had been made upon an impeachment expressed in the same terms. Indeed, a greater practical effect has been gained, because the votes given for the resolution, though not sufficient to authorize a judgment of guilty on an impeachment, were numerous enough to carry that resolution.

That the resolution does not expressly allege that the assumption of power and authority which it condemns was intentional and corrupt is no answer to the preceding view of its character and effect. The act thus condemned necessarily implies volition and design in the individual to whom it is imputed, and, being unlawful in its character, the legal conclusion is that it was prompted by improper motives and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the Constitution and laws, but in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any such excuse or palliation there is only room for one inference, and that is that the intent was unlawful and corrupt. Besides, the resolution not only contains no mitigating suggestions, but, on the contrary, it holds up the act complained of as justly obnoxious to censure and reprobation, and thus as distinctly stamps it with impurity of motive as if the strongest epithets had been used.

The President of the United States, therefore, has been by a majority of his constitutional triers accused and found guilty of an impeachable offense, but in no part of this proceeding have the directions of the Constitution been observed.

The impeachment, instead of being preferred and prosecuted by the House of Representatives, originated in the Senate, and was prosecuted without the aid or concurrence of the other House. The oath or affirmation prescribed by the Constitution was not taken by the Senators, the Chief Justice did not preside, no notice of the charge was given to the accused, and no opportunity afforded him to respond to the accusation, to meet his accusers face to face, to cross-examine the witnesses, to procure counteracting testimony, or to be heard in his defense. The safeguards and formalities which the Constitution has connected with the power of impeachment were doubtless supposed by the framers of that instrument to be essential to the protection of the public servant, to the attainment of justice, and to the order, impartiality, and dignity of the procedure. These safeguards and formalities were not only practically disregarded in the commencement and conduct of these proceedings, but in their result I find myself convicted by less than two-thirds of the members present of an impeachable offense.

In vain may it be alleged in defense of this proceeding that the form of the resolution is not that of an impeachment or of a judgment there-

upon, that the punishment prescribed in the Constitution does not follow its adoption, or that in this case no impeachment is to be expected from the House of Representatives. It is because it did not assume the form of an impeachment that it is the more palpably repugnant to the Constitution, for it is through that form only that the President is judicially responsible to the Senate; and though neither removal from office nor future disqualification ensues, yet it is not to be presumed that the framers of the Constitution considered either or both of those results as constituting the whole of the punishment they prescribed. The judgment of *guilty* by the highest tribunal in the Union, the stigma it would inflict on the offender, his family, and fame, and the perpetual record on the Journal, handing down to future generations the story of his disgrace, were doubtless regarded by them as the bitterest portions, if not the very essence, of that punishment. So far, therefore, as some of its most material parts are concerned, the passage, recording, and promulgation of the resolution are an attempt to bring them on the President in a manner unauthorized by the Constitution. To shield him and other officers who are liable to impeachment from consequences so momentous, except when really merited by official delinquencies, the Constitution has most carefully guarded the whole process of impeachment. A majority of the House of Representatives must think the officer guilty before he can be charged. Two-thirds of the Senate must pronounce him guilty or he is deemed to be innocent. Forty-six Senators appear by the Journal to have been present when the vote on the resolution was taken. If after all the solemnities of an impeachment thirty of those Senators had voted that the President was guilty, yet would he have been acquitted; but by the mode of proceeding adopted in the present case a lasting record of conviction has been entered up by the votes of twenty-six Senators without an impeachment or trial, whilst the Constitution expressly declares that to the entry of such a judgment an accusation by the House of Representatives, a trial by the Senate, and a concurrence of two-thirds in the vote of guilty shall be indispensable prerequisites.

Whether or not an impeachment was to be expected from the House of Representatives was a point on which the Senate had no constitutional right to speculate, and in respect to which, even had it possessed the spirit of prophecy, its anticipations would have furnished no just ground for this procedure. Admitting that there was reason to believe that a violation of the Constitution and laws had been actually committed by the President, still it was the duty of the Senate, as his sole constitutional judges, to wait for an impeachment until the other House should think proper to prefer it. The members of the Senate could have no right to infer that no impeachment was intended. On the contrary, every legal and rational presumption on their part ought to have been that if there was good reason to believe him guilty of an impeachable offense the House of Representatives would perform its constitutional duty by

arraigning the offender before the justice of his country. The contrary presumption would involve an implication derogatory to the integrity and honor of the representatives of the people. But suppose the suspicion thus implied were actually entertained and for good cause, how can it justify the assumption by the Senate of powers not conferred by the Constitution?

It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding to perceive its utter incompatibility with the provisions and the spirit of the Constitution and with the plainest dictates of humanity and justice.

If the House of Representatives shall be of opinion that there is just ground for the censure pronounced upon the President, then will it be the solemn duty of that House to prefer the proper accusation and to cause him to be brought to trial by the constitutional tribunal. But in what condition would he find that tribunal? A majority of its members have already considered the case, and have not only formed but expressed a deliberate judgment upon its merits. It is the policy of our benign systems of jurisprudence to secure in all criminal proceedings, and even in the most trivial litigations, a fair, unprejudiced, and impartial trial, and surely it can not be less important that such a trial should be secured to the highest officer of the Government.

The Constitution makes the House of Representatives the exclusive judges, in the first instance, of the question whether the President has committed an impeachable offense. A majority of the Senate, whose interference with this preliminary question has for the best of all reasons been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case, thus presenting the appalling spectacle in a free State of judges going through a labored preparation for an impartial hearing and decision by a previous *ex parte* investigation and sentence against the supposed offender.

There is no more settled axiom in that Government whence we derived the model of this part of our Constitution than that "the lords can not impeach any to themselves, nor join in the accusation, *because they are judges.*" Independently of the general reasons on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high officers of government before a tribunal whose sentence may expel them from their seats and brand them as infamous is eminently a popular remedy—a remedy designed to be employed for the protection of private right and public liberty against the abuses of injustice and the encroachments of arbitrary power. But the framers of the Constitution were also undoubtedly aware that this formidable instrument had been and might be abused, and that from its very nature an impeachment for high crimes

and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it one of the highest solemnity and importance. It was due to both these considerations that the impeaching power should be lodged in the hands of those who from the mode of their election and the tenure of their offices would most accurately express the popular will and at the same time be most directly and speedily amenable to the people. The theory of these wise and benignant intentions is in the present case effectually defeated by the proceedings of the Senate. The members of that body represent not the people, but the States; and though they are undoubtedly responsible to the States, yet from their extended term of service the effect of that responsibility during the whole period of that term must very much depend upon their own impressions of its obligatory force. When a body thus constituted expresses beforehand its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended for wise reasons to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the Constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the President the offenses charged in the resolution. But if, on the other hand, the House of Representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of privilege as it respects that House, of justice as it regards the President, and of the Constitution as it relates to both be only the more conspicuous and impressive.

The constitutional mode of procedure on an impeachment has not only been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence have been violated in the very form of the resolution. It carefully abstains from averring in *which* of "the late proceedings in relation to the public revenue the President has assumed upon himself authority and power not conferred by the Constitution and laws." It carefully abstains from specifying *what laws* or *what parts* of the Constitution have been violated. Why was not the certainty of the offense—"the nature and cause of the accusation"—set out in the manner required in the Constitution before even the humblest individual, for the smallest crime, can be exposed to condemnation? Such a specification was due to the accused that he might direct his defense to the real points of attack, to the people that they might clearly understand in what particulars their institutions had been violated, and to the truth and certainty of our public annals. As the record now stands, whilst the resolution plainly charges upon the President at least one act of usurpation in "the late Executive proceedings in relation to the public revenue," and is so framed that those Senators

who believed that one such act, and only one, had been committed could assent to it, its language is yet broad enough to include several such acts, and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures it implies, there is no such certainty of time, place, or circumstance as to exhibit the particular conclusion of fact or law which induced any one Senator to vote for it; and it may well have happened that whilst one Senator believed that some particular act embraced in the resolution was an arbitrary and unconstitutional assumption of power, others of the majority may have deemed that very act both constitutional and expedient, or, if not expedient, yet still within the pale of the Constitution; and thus a majority of the Senators may have been enabled to concur in a vague and undefined accusation that the President, in the course of "the late Executive proceedings in relation to the public revenue," had violated the Constitution and laws, whilst if a separate vote had been taken in respect to each particular act included within the general terms the accusers of the President might on any such vote have been found in the minority.

Still further to exemplify this feature of the proceeding, it is important to be remarked that the resolution as originally offered to the Senate specified with adequate precision certain acts of the President which it denounced as a violation of the Constitution and laws, and that it was not until the very close of the debate, and when perhaps it was apprehended that a majority might not sustain the specific accusation contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities and require a reasonable certainty in all judicial allegations, and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution it must certainly be regarded not as a vindication of any particular provision of the law or the Constitution, but simply as an official rebuke or condemnatory sentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the Executive. But whatever it may have been intended to accomplish, it is obvious that the vague, general, and abstract form of the resolution is in perfect keeping with those other departures from first principles and settled improvements in jurisprudence so properly the boast of free countries in modern times. And it is not too much to say of the whole of these proceedings that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power which had established in statutes, in bills of rights, in sacred charters, and in constitutions of government the right of every citizen to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge have been waged in vain.

If the resolution had been left in its original form it is not to be presumed that it could ever have received the assent of a majority of the Senate, for the acts therein specified as violations of the Constitution and laws were clearly within the limits of the Executive authority. They are the "dismissing the late Secretary of the Treasury because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the Bank of the United States and its branches in conformity with the President's opinion, and appointing his successor to effect such removal, which has been done." But as no other specification has been substituted, and as these were the "Executive proceedings in relation to the public revenue" principally referred to in the course of the discussion, they will doubtless be generally regarded as the acts intended to be denounced as "an assumption of authority and power not conferred by the Constitution or laws, but in derogation of both." It is therefore due to the occasion that a condensed summary of the views of the Executive in respect to them should be here exhibited.

By the Constitution "the executive power is vested in a President of the United States." Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands. It is therefore not only his right, but the Constitution makes it his duty, to "nominate and, by and with the advice and consent of the Senate, appoint" all "officers of the United States whose appointments are not in the Constitution otherwise provided for," with a proviso that the appointment of inferior officers may be vested in the President alone, in the courts of justice, or in the heads of Departments.

The executive power vested in the Senate is neither that of "nominating" nor "appointing." It is merely a check upon the Executive power of appointment. If individuals are proposed for appointment by the President by them deemed incompetent or unworthy, they may withhold their consent and the appointment can not be made. They check the action of the Executive, but can not in relation to those very subjects act themselves nor direct him. Selections are still made by the President, and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guaranty to the country that the subordinate executive as well as the judicial offices shall be filled with worthy and competent men.

The whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer

willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which, like that of appointment, is an original executive power, is left unchecked by the Constitution in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the Government from which many of the fundamental principles of our system are derived the head of the executive department originally had power to appoint and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to good behavior. Nor is it conceivable why they are placed in our Constitution upon a tenure different from that of all other officers appointed by the Executive unless it be for the same purpose.

But if there were any just ground for doubt on the face of the Constitution whether all executive officers are removable at the will of the President, it is obviated by the cotemporaneous construction of the instrument and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789 while organizing the administrative departments of the Government, and it was finally decided that the President derived from the Constitution the power of removal so far as it regards that department for whose acts he is responsible. Although the debate covered the whole ground, embracing the Treasury as well as all the other Executive Departments, it arose on a motion to strike out of the bill to establish a Department of Foreign Affairs, since called the Department of State, a clause declaring the Secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative it was perceived that these words did not convey the sense of the House of Representatives in relation to the true source of the power of removal. With the avowed object of preventing any future inference that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the Constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the chief clerk of the Department, which declared that "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," the chief clerk should during such vacancy have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress that the President derived the power of removal from the Constitution, the act as it passed has always been considered as a full expression of the sense of the Legislature on this important part of the American Constitution.

Here, then, we have the concurrent authority of President Washington,

of the Senate, and the House of Representatives, numbers of whom had taken an active part in the convention which framed the Constitution and in the State conventions which adopted it, that the President derived an unqualified power of removal from that instrument itself, which is "beyond the reach of legislative authority." Upon this principle the Government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of executive officers from the heads of Departments to the messengers of bureaus.

The Treasury Department in the discussions of 1789 was considered on the same footing as the other Executive Departments, and in the act establishing it were incorporated the precise words indicative of the sense of Congress that the President derives his power to remove the Secretary from the Constitution, which appear in the act establishing the Department of Foreign Affairs. An Assistant Secretary of the Treasury was created, and it was provided that he should take charge of the books and papers of the Department "whenever the Secretary shall be removed from office by the President of the United States." The Secretary of the Treasury being appointed by the President, and being considered as constitutionally removable by him, it appears never to have occurred to anyone in the Congress of 1789, or since until very recently, that he was other than an executive officer, the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other heads of Departments, to his supervision and control. No such idea as an officer of the Congress can be found in the Constitution or appears to have suggested itself to those who organized the Government. There are officers of each House the appointment of which is authorized by the Constitution, but all officers referred to in that instrument as coming within the appointing power of the President, whether established thereby or created by law, are "officers of the United States." No joint power of appointment is given to the two Houses of Congress, nor is there any accountability to them as one body; but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it devolves by the Constitution upon the President, with the advice and consent of the Senate, unless it be an inferior office, and the appointment be vested by the law itself "in the President alone, in the courts of law, or in the heads of Departments."

But at the time of the organization of the Treasury Department an incident occurred which distinctly evinces the unanimous concurrence of the First Congress in the principle that the Treasury Department is wholly executive in its character and responsibilities. A motion was made to strike out the provision of the bill making it the duty of the Secretary "to digest and report plans for the improvement and management of the revenue and for the support of public credit," on the ground that it would give the executive department of the Government

too much influence and power in Congress. The motion was not opposed on the ground that the Secretary was the officer of Congress and responsible to that body, which would have been conclusive if admitted, but on other ground, which conceded his executive character throughout. The whole discussion evinces an unanimous concurrence in the principle that the Secretary of the Treasury is wholly an executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and clerks who fill the offices of that Department have in the practice of the Government been considered and treated as on the same footing with corresponding grades of officers in all the other Executive Departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the executive department in this and all other Governments. In accordance with this principle, every species of property belonging to the United States (excepting that which is in the use of the several coordinate departments of the Government as means to aid them in performing their appropriate functions) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, responsible to him, and removable at his will.

Public money is but a species of public property. It can not be raised by taxation or customs, nor brought into the Treasury in any other way except by law; but whenever or howsoever obtained, its custody always has been and always must be, unless the Constitution be changed, intrusted to the executive department. No officer can be created by Congress for the purpose of taking charge of it whose appointment would not by the Constitution at once devolve on the President and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President by any laws they may think proper to enact; they may prescribe in what place particular portions of the public property shall be kept and for what reason it shall be removed, as they may direct that supplies for the Army or Navy shall be kept in particular stores, and it will be the duty of the President to see that the law is faithfully executed; yet will the custody remain in the executive department of the Government. Were the Congress to assume, with or without a legislative act, the power of appointing officers, independently of the President, to take the charge and custody of the public property contained in the military and naval arsenals, magazines, and storehouses, it is believed that such an act would be regarded by all as a palpable usurpation of executive power, subversive of the form as well as the fundamental principles of our Government. But where is the difference in principle whether the public

property be in the form of arms, munitions of war, and supplies or in gold and silver or bank notes? None can be perceived; none is believed to exist. Congress can not, therefore, take out of the hands of the executive department the custody of the public property or money without an assumption of executive power and a subversion of the first principles of the Constitution.

The Congress of the United States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the Government to the year 1816 the statute book was wholly silent on the subject. In 1789 a Treasurer was created, subordinate to the Secretary of the Treasury, and through him to the President. He was required to give bond safely to keep and faithfully to disburse the public moneys, without any direction as to the manner or places in which they should be kept. By reference to the practice of the Government it is found that from its first organization the Secretary of the Treasury, acting under the supervision of the President, designated the places in which the public moneys should be kept, and especially directed all transfers from place to place. This practice was continued, with the silent acquiescence of Congress, from 1789 down to 1816, and although many banks were selected and discharged, and although a portion of the moneys were first placed in the State banks, and then in the former Bank of the United States, and upon the dissolution of that were again transferred to the State banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by Executive authority. The Secretary of the Treasury, responsible to the President, and with his approbation, made contracts and arrangements in relation to the whole subject-matter, which was thus entirely committed to the direction of the President under his responsibilities to the American people and to those who were authorized to impeach and punish him for any breach of this important trust.

The act of 1816 establishing the Bank of the United States directed the deposits of public money to be made in that bank and its branches in places in which the said bank and branches thereof may be established, "unless the Secretary of the Treasury should otherwise order and direct," in which event he was required to give his reasons to Congress. This was but a continuation of his preexisting power as the head of an Executive Department to direct where the deposits should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the Bank of the United States and its branches. It is not to be considered that this provision in any degree altered the relation between the Secretary of the Treasury and the President as the responsible head of the executive department, or released the latter from his constitutional obligation to "take care that the laws be faithfully executed." On the contrary, it increased his responsibilities by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result if because the person charged by law with a public duty is one of his Secretaries it were less the duty of the President to see that law faithfully executed than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence and the remedy at hand.

It can not be doubted that it was the legal duty of the Secretary of the Treasury to order and direct the deposits of the public money to be made elsewhere than in the Bank of the United States *whenever sufficient reasons existed for making the change.* If in such a case he neglected or refused to act, he would neglect or refuse to execute the law. What would be the sworn duty of the President? Could he say that the Constitution did not bind him to see the law faithfully executed because it was one of his Secretaries and not himself upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the Constitution? Whether he is not equally bound to take care that the laws be faithfully executed, whether they impose duties on the highest officer of State or the lowest subordinate in any of the Departments? Might he not be told that it was for the sole purpose of causing all executive officers, from the highest to the lowest, faithfully to perform the services required of them by law that the people of the United States have made him their Chief Magistrate and the Constitution has clothed him with the entire executive power of this Government? The principles implied in these questions appear too plain to need elucidation.

But here also we have a cotemporaneous construction of the act which shows that it was not understood as in any way changing the relations between the President and Secretary of the Treasury, or as placing the latter out of Executive control even in relation to the deposits of the public money. Nor on that point are we left to any equivocal testimony. The documents of the Treasury Department show that the Secretary of the Treasury did apply to the President and obtained his approbation and sanction to the original transfer of the public deposits to the present Bank of the United States, and did carry the measure into effect in obedience to his decision. They also show that transfers of the public deposits from the branches of the Bank of the United States to State banks at Chillicothe, Cincinnati, and Louisville, in 1819, were made with the approbation of the President and by his authority. They show that upon all important questions appertaining to his Department, whether they related to the public deposits or other matters, it was the constant practice of the Secretary of the Treasury to obtain for his acts the approval and sanction of the President. These acts and the principles on which they were founded were known to all the departments of the Government, to Congress and the country, and until very recently appear never to have been called in question.

Thus was it settled by the Constitution, the laws, and the whole practice of the Government that the entire executive power is vested in the President of the United States; that as incident to that power the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the Constitution prescribes, is vested in the President; that the Secretary of the Treasury is one of those officers; that the custody of the public property and money is an Executive function which, in relation to the money, has always been exercised through the Secretary of the Treasury and his subordinates; that in the performance of these duties he is subject to the supervision and control of the President, and in all important measures having relation to them consults the Chief Magistrate and obtains his approval and sanction; that the law establishing the bank did not, as it could not, change the relation between the President and the Secretary—did not release the former from his obligation to see the law faithfully executed nor the latter from the President's supervision and control; that afterwards and before the Secretary did in fact consult and obtain the sanction of the President to transfers and removals of the public deposits, and that all departments of the Government, and the nation itself, approved or acquiesced in these acts and principles as in strict conformity with our Constitution and laws.

During the last year the approaching termination, according to the provisions of its charter and the solemn decision of the American people, of the Bank of the United States made it expedient, and its exposed abuses and corruptions made it, in my opinion, the duty of the Secretary of the Treasury, to place the moneys of the United States in other depositories. The Secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruptions of the bank, so evident its fixed purpose to persevere in them, and so palpable its design by its money and power to control the Government and change its character, that I deemed it the imperative duty of the Executive authority, by the exertion of every power confided to it by the Constitution and laws, to check its career and lessen its ability to do mischief, even in the painful alternative of dismissing the head of one of the Departments. At the time the removal was made other causes sufficient to justify it existed, but if they had not the Secretary would have been dismissed for this cause only.

His place I supplied by one whose opinions were well known to me, and whose frank expression of them in another situation and generous sacrifices of interest and feeling when unexpectedly called to the station he now occupies ought forever to have shielded his motives from suspicion and his character from reproach. In accordance with the views long before expressed by him he proceeded, with my sanction, to make arrangements for depositing the moneys of the United States in other safe institutions.

The resolution of the Senate as originally framed and as passed, if it refers to these acts, presupposes a right in that body to interfere with this exercise of Executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If by a mere denunciation like this resolution the President should ever be induced to act in a matter of official duty contrary to the honest convictions of his own mind in compliance with the wishes of the Senate, the constitutional independence of the executive department would be as effectually destroyed and its power as effectually transferred to the Senate as if that end had been accomplished by an amendment of the Constitution. But if the Senate have a right to interfere with the Executive powers, they have also the right to make that interference effective, and if the assertion of the power implied in the resolution be silently acquiesced in we may reasonably apprehend that it will be followed at some future day by an attempt at actual enforcement. The Senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions, to pass the necessary laws, to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the President. It has already been maintained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the Secretary of the Treasury is the officer of Congress and independent of the President; that the President has no right to control him, and consequently none to remove him. With the same propriety and on similar grounds may the Secretary of State, the Secretaries of War and the Navy, and the Postmaster-General each in succession be declared independent of the President, the subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, this principle will be found effectually to destroy one coordinate department of the Government, to concentrate in the hands of the Senate the whole executive power, and to leave the President as powerless as he would be useless—the shadow of authority after the substance had departed.

The time and the occasion which have called forth the resolution of the Senate seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the President exercised, without a question as to his rightful authority, those powers for the recent assumption of which he is now denounced. The vicissitudes of peace and war had attended our Government; violent parties, watchful to take advantage of any seeming usurpation on the part of the Executive, had distracted our councils; frequent removals, or forced resignations in every sense tantamount to removals, had been made of the Secretary and other officers of the Treasury, and yet in no one instance is it known that any man, whether patriot or partisan, had raised his voice against it as a violation of the Constitution. The expediency and justice of such changes in reference to public officers of all grades have

frequently been the topic of discussion, but the constitutional right of the President to appoint, control, and remove the head of the Treasury as well as all other Departments seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted? The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter by controlling the elections of the people and the action of the Government. The use of its corporate funds and power in that attempt was fully disclosed, and it was made known to the President that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the elections of the people, to control public opinion and force the Government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government directors from its proceedings, its neglect of duty and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and the safety of our institutions that it should be longer employed as the fiscal agent of the Treasury. A Secretary of the Treasury appointed in the recess of the Senate, who had not been confirmed by that body, and whom the President might or might not at his pleasure nominate to them, refused to do what his superior in the executive department considered the most imperative of his duties, and became in fact, however innocent his motives, the protector of the bank. And on this occasion it is discovered for the first time that those who framed the Constitution misunderstood it; that the First Congress and all its successors have been under a delusion; that the practice of near forty-five years is but a continued usurpation; that the Secretary of the Treasury is not responsible to the President, and that to remove him is a violation of the Constitution and laws for which the President deserves to stand forever dishonored on the journals of the Senate.

There are also some other circumstances connected with the discussion and passage of the resolution to which I feel it to be not only my right, but my duty, to refer. It appears by the Journal of the Senate that among the twenty-six Senators who voted for the resolution on its final passage, and who had supported it in debate in its original form, were one of the Senators from the State of Maine, the two Senators from New Jersey, and one of the Senators from Ohio. It also appears by the same Journal and by the files of the Senate that the legislatures of these States had severally expressed their opinions in respect to the Executive proceedings drawn in question before the Senate.

The two branches of the legislature of the State of Maine on the 25th of January, 1834, passed a preamble and series of resolutions in the following words:

Whereas at an early period after the election of Andrew Jackson to the Presidency, in accordance with the sentiments which he had uniformly expressed, the attention

of Congress was called to the constitutionality and expediency of the renewal of the charter of the United States Bank; and

Whereas the bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation by engaging in political controversies, by wielding its power and influence to embarrass the Administration of the General Government, and by bringing insolvency and distress upon the commercial community; and

Whereas the public security from such an institution consists less in its present pecuniary capacity to discharge its liabilities than in the fidelity with which the trusts reposed in it have been executed; and

Whereas the abuse and misapplication of the powers conferred have destroyed the confidence of the public in the officers of the bank and demonstrated that such powers endanger the stability of republican institutions: Therefore,

Resolved, That in the removal of the public deposits from the Bank of the United States, as well as in the manner of their removal, we recognize in the Administration an adherence to constitutional rights and the performance of a public duty.

Resolved, That this legislature entertain the same opinion as heretofore expressed by preceding legislatures of this State, that the Bank of the United States ought not to be rechartered.

Resolved, That the Senators of this State in the Congress of the United States be instructed and the Representatives be requested to oppose the restoration of the deposits and the renewal of the charter of the United States Bank.

On the 11th of January, 1834, the house of assembly and council composing the legislature of the State of New Jersey passed a preamble and a series of resolutions in the following words:

Whereas the present crisis in our public affairs calls for a decided expression of the voice of the people of this State; and

Whereas we consider it the undoubted right of the legislatures of the several States to instruct those who represent their interests in the councils of the nation in all matters which intimately concern the public weal and may affect the happiness or well-being of the people: Therefore,

1. *Be it resolved by the council and general assembly of this State*, That while we acknowledge with feelings of devout gratitude our obligations to the Great Ruler of Nations for His mercies to us as a people that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men who would prostrate the fair fabric of our Union, that we ought nevertheless to humble ourselves in His presence and implore His aid for the perpetuation of our republican institutions and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

2. *Resolved*, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of Chief Magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow-citizens.

3. *Resolved*, That we view with agitation and alarm the existence of a great moneyed incorporation which threatens to embarrass the operations of the Government and by means of its unbounded influence upon the currency of the country to scatter distress and ruin throughout the community, and that we therefore solemnly believe the present Bank of the United States ought not to be rechartered.

4. *Resolved*, That our Senators in Congress be instructed and our members of the House of Representatives be requested to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposits of the Government moneys, believing as

we do the course of the Secretary to have been constitutional, and that the public good required its adoption.

5. *Resolved*, That the governor be requested to forward a copy of the above resolutions to each of our Senators and Representatives from this State to the Congress of the United States.

On the 21st day of February last the legislature of the same State reiterated the opinions and instructions before given by joint resolutions in the following words:

Resolved by the council and general assembly of the State of New Jersey, That they do adhere to the resolutions passed by them on the 11th day of January last, relative to the President of the United States, the Bank of the United States, and the course of Mr. Taney in removing the Government deposits.

Resolved, That the legislature of New Jersey have not seen any reason to depart from such resolutions since the passage thereof, and it is their wish that they should receive from our Senators and Representatives of this State in the Congress of the United States that attention and obedience which are due to the opinion of a sovereign State openly expressed in its legislative capacity.

On the 2d of January, 1834, the senate and house of representatives composing the legislature of Ohio passed a preamble and resolutions in the following words:

Whereas there is reason to believe that the Bank of the United States will attempt to obtain a renewal of its charter at the present session of Congress; and

Whereas it is abundantly evident that said bank has exercised powers derogatory to the spirit of our free institutions and dangerous to the liberties of these United States; and

Whereas there is just reason to doubt the constitutional power of Congress to grant acts of incorporation for banking purposes out of the District of Columbia; and

Whereas we believe the proper disposal of the public lands to be of the utmost importance to the people of these United States, and that honor and good faith require their equitable distribution: Therefore,

Resolved by the general assembly of the State of Ohio, That we consider the removal of the public deposits from the Bank of the United States as required by the best interests of our country, and that a proper sense of public duty imperiously demanded that that institution should be no longer used as a depository of the public funds.

Resolved also, That we view with decided disapprobation the renewed attempts in Congress to secure the passage of the bill providing for the disposal of the public domain upon the principles proposed by Mr. Clay, inasmuch as we believe that such a law would be unequal in its operations and unjust in its results.

Resolved also, That we heartily approve of the principles set forth in the late veto message upon that subject; and

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their influence to prevent the rechartering of the Bank of the United States, to sustain the Administration in its removal of the public deposits, and to oppose the passage of a land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

Resolved, That the governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives.

It is thus seen that four Senators have declared by their votes that the President, in the late Executive proceedings in relation to the revenue, had been guilty of the impeachable offense of "assuming upon

himself authority and power not conferred by the Constitution and laws, but in derogation of both," whilst the legislatures of their respective States had deliberately approved those very proceedings as consistent with the Constitution and demanded by the public good. If these four votes had been given in accordance with the sentiments of the legislatures, as above expressed, there would have been but twenty-two votes out of forty-six for censuring the President, and the unprecedented record of his conviction could not have been placed upon the Journal of the Senate.

In thus referring to the resolutions and instructions of the State legislatures I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents, and their country. The facts now stated belong to the history of these proceedings, and are important to the just development of the principles and interests involved in them as well as to the proper vindication of the executive department, and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the President the power of supervising, directing, and controlling the Secretary of the Treasury in like manner with the other executive officers would soon be manifest in practice were the doctrine to be established. The President is the direct representative of the American people, but the Secretaries are not. If the Secretary of the Treasury be independent of the President in the execution of the laws, then is there no direct responsibility to the people in that important branch of this Government to which is committed the care of the national finances. And it is in the power of the Bank of the United States, or any other corporation, body of men, or individuals, if a Secretary shall be found to accord with them in opinion or can be induced in practice to promote their views, to control through him the whole action of the Government (so far as it is exercised by his Department) in defiance of the Chief Magistrate elected by the people and responsible to them.

But the evil tendency of the particular doctrine adverted to, though sufficiently serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the approbation and allowance by the people and the practice by the Senate of the unconstitutional power of arraigning and censuring the official conduct of the Executive in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government, to disturb the harmonious action of its different departments, and to break down the checks and balances by which the wisdom of its framers sought to insure its stability and usefulness.

The honest differences of opinion which occasionally exist between the Senate and the President in regard to matters in which both are obliged to participate are sufficiently embarrassing; but if the course

recently adopted by the Senate shall hereafter be frequently pursued, it is not only obvious that the harmony of the relations between the President and the Senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the Senate be submitted to by the President, the confidence of the people in his ability and virtue and the character and usefulness of his Administration will soon be at an end, and the real power of the Government will fall into the hands of a body holding their offices for long terms, not elected by the people and not to them directly responsible. If, on the other hand, the illegal censures of the Senate should be resisted by the President, collisions and angry controversies might ensue, discreditable in their progress and in the end compelling the people to adopt the conclusion either that their Chief Magistrate was unworthy of their respect or that the Senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system and lead to serious alterations of its framework or to the practical abandonment of some of its provisions.

The influence of such proceedings on the other departments of the Government, and more especially on the States, could not fail to be extensively pernicious. When the judges in the last resort of official misconduct themselves overleap the bounds of their authority as prescribed by the Constitution, what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such contempt of the Federal Constitution by one of its most important departments would hold out the strongest temptations to resistance on the part of the State sovereignties whenever they shall suppose their just rights to have been invaded? Thus all the independent departments of the Government, and the States which compose our confederated Union, instead of attending to their appropriate duties and leaving those who may offend to be reclaimed or punished in the manner pointed out in the Constitution, would fall to mutual crimination and recrimination and give to the people confusion and anarchy instead of order and law, until at length some form of aristocratic power would be established on the ruins of the Constitution or the States be broken into separate communities.

Far be it from me to charge or to insinuate that the present Senate of the United States intend in the most distant way to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that it is my duty to speak. It is, if possible, to make Senators themselves sensible of the danger which lurks under the precedent set in their resolution, and at any rate to perform my duty as the responsible head of one of the coequal departments of the Government, that I have been compelled to point out the consequences to which the discussion and passage of the resolution may lead if the tendency of the measure be not checked in its inception. It is due to the high trust with

which I have been charged, to those who may be called to succeed me in it, to the representatives of the people whose constitutional prerogative has been unlawfully assumed, to the people and to the States, and to the Constitution they have established that I should not permit its provisions to be broken down by such an attack on the executive department without at least some effort "to preserve, protect, and defend" them. With this view, and for the reasons which have been stated, I do hereby *solemnly protest* against the aforementioned proceedings of the Senate as unauthorized by the Constitution, contrary to its spirit and to several of its express provisions, subversive of that distribution of the powers of government which it has ordained and established, destructive of the checks and safeguards by which those powers were intended on the one hand to be controlled and on the other to be protected, and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body not directly amenable to the people a degree of influence and power dangerous to their liberties and fatal to the Constitution of their choice.

The resolution of the Senate contains an imputation upon my private as well as upon my public character, and as it must stand forever on their journals, I can not close this substitute for that defense which I have not been allowed to present in the ordinary form without remarking that I have lived in vain if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was purchased; in vain have I since periled property, fame, and life in defense of the rights and privileges so dearly bought; in vain am I now, without a personal aspiration or the hope of individual advantage, encountering responsibilities and dangers from which by mere inactivity in relation to a single point I might have been exempt, if any serious doubts can be entertained as to the purity of my purposes and motives. If I had been ambitious, I should have sought an alliance with that powerful institution which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs. Had I preferred personal comfort and official ease to the performance of my arduous duty, I should have ceased to molest it. In the history of conquerors and usurpers, never in the fire of youth nor in the vigor of manhood could I find an attraction to lure me from the path of duty, and now I shall scarcely find an inducement to commence their career of ambition when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored and usurpers expiate their crimes. The only ambition I can feel is to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellowmen, and live respected and honored in the history of my country. No; the ambition which leads me on is an anxious desire and a fixed deter-

mination to return to the people unimpaired the sacred trust they have confided to my charge; to heal the wounds of the Constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government supported by powerful monopolies and aristocratical establishments that they will find happiness or their liberties protection, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its blessings, like the dews of Heaven, unseen and unfelt save in the freshness and beauty they contribute to produce. It is such a government that the genius of our people requires; such an one only under which our States may remain for ages to come united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief that I have contributed in some small degree to increase the value and prolong the duration of American liberty.

To the end that the resolution of the Senate may not be hereafter drawn into precedent with the authority of silent acquiescence on the part of the executive department, and to the end also that my motives and views in the Executive proceedings denounced in that resolution may be known to my fellow-citizens, to the world, and to all posterity, I respectfully request that this message and protest may be entered at length on the journals of the Senate.

ANDREW JACKSON.

APRIL 21, 1834.

To the Senate of the United States:

Having reason to believe that certain passages contained in my message and protest transmitted to the Senate on the 17th [15th] instant may be misunderstood, I think it proper to state that it was not my intention to deny in the said message the power and right of the legislative department to provide by law for the custody, safe-keeping, and disposition of the public money and property of the United States.

Although I am well satisfied that such a construction is not warranted by anything contained in that message, yet aware from experience that detached passages of an argumentative document, when disconnected from their context and considered without reference to previous limitations and the particular positions they were intended to refute or to establish, may be made to bear a construction varying altogether from the sentiments really entertained and intended to be expressed, and deeply solicitous that my views on this point should not, either now or hereafter, be misapprehended, I have deemed it due to the gravity of the subject, to the great interests it involves, and to the Senate as well as to myself to embrace the earliest opportunity to make this communication.

I admit without reserve, as I have before done, the constitutional power of the Legislature to prescribe by law the place or places in which the public money or other property is to be deposited, and to make such regulations concerning its custody, removal, or disposition as they may think proper to enact. Nor do I claim for the Executive any right to the possession or disposition of the public property or treasure or any authority to interfere with the same, except when such possession, disposition, or authority is given to him by law. Nor do I claim the right in any manner to supervise or interfere with the person intrusted with such property or treasure, unless he be an officer whose appointment, under the Constitution and laws, is devolved upon the President alone or in conjunction with the Senate, and for whose conduct he is constitutionally responsible.

As the message and protest referred to may appear on the Journal of the Senate and remain among the recorded documents of the nation, I am unwilling that opinions should be imputed to me, even through misconstruction, which are not entertained, and more particularly am I solicitous that I may not be supposed to claim for myself or my successors any power or authority not clearly granted by the Constitution and laws to the President. I have therefore respectfully to request that this communication may be considered a part of that message and that it may be entered therewith on the journals of the Senate.

ANDREW JACKSON.

EXECUTIVE ORDERS.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 21, 1834.

ORDER 46.

The Major-General Commanding the Army has received through the War Department the following General Order from the President of the United States:

GENERAL ORDER.

WASHINGTON, *June 21, 1834.*

Information having been received of the death of General Lafayette, the President considers it due to his own feelings as well as to the character and services of that lamented man to announce the event to the Army and Navy.

Lafayette was a citizen of France, but he was the distinguished friend

of the United States. In early life he embarked in that contest which secured freedom and independence to our country. His services and sacrifices constitute a part of our Revolutionary history, and his memory will be second only to that of Washington in the hearts of the American people. In his own country and in ours he was the zealous and uniform friend and advocate of rational liberty. Consistent in his principles and conduct, he never during a long life committed an act which exposed him to just accusation or which will expose his memory to reproach. Living at a period of great excitement and of moral and political revolutions, engaged in many of the important events which fixed the attention of the world, and invited to guide the destinies of France at two of the most momentous eras of her history, his political integrity and personal disinterestedness have not been called in question. Happy in such a life, he has been happy in his death. He has been taken from the theater of action with faculties unimpaired, with a reputation unquestioned, and an object of veneration wherever civilization and the rights of man have extended; and mourning, as we may and must, his departure, let us rejoice that this associate of Washington has gone, as we humbly hope, to rejoin his illustrious commander in the fullness of days and of honor.

He came in his youth to defend our country. He came in the maturity of his age to witness her growth in all the elements of prosperity, and while witnessing these he received those testimonials of national gratitude which proved how strong was his hold upon the affections of the American people.

One melancholy duty remains to be performed. The last major-general of the Revolutionary army has died. Himself a young and humble participator in the struggles of that period, the President feels called on as well by personal as public considerations to direct that appropriate honors be paid to the memory of this distinguished patriot and soldier. He therefore orders that the same honors be rendered upon this occasion at the different military and naval stations as were observed upon the decease of Washington, the Father of his Country, and his contemporary in arms.

In ordering this homage to be paid to the memory of one so eminent in the field, so wise in council, so endeared in private life, and so well and favorably known to both hemispheres the President feels assured that he is anticipating the sentiments not of the Army and Navy only, but of the whole American people.

ANDREW JACKSON.

In obedience to the commands of the President, the following funeral honors will be paid at the several stations of the Army:

At daybreak twenty-four guns will be fired in quick succession, and one gun at the interval of every half hour thereafter till sunset.

The flags of the several stations will during the day be at half-mast. The officers of the Army will wear crape on the left arm for the period of six months.

This order will be carried into effect under the direction of the commanding officer of each post and station the day after its reception.

By command of Major-General Macomb, commanding in chief:

R. JONES, *Adjutant-General.*

GREEN HILL, *October 12, 1834.*

Hon. LEVI WOODBURY,
Secretary of the Treasury.

MY DEAR SIR: I inclose you two letters from two of our most respectable citizens. They are good men and true. The letters relate to matters under your immediate charge, and when I come on to Washington will see about them.

Marshall was our candidate for the legislature, and has no doubt lost his election through the influence of the United States officers at that post, who are all of them opposed to us, and if we lose *Brown* this winter from the Senate it will be owing mainly and chiefly to this. The county of Carterett sends three members to the legislature, and is Jackson to the *hub;* but Major Kirby, who commands at Fort Macon, has used his influence in conjunction with D. Borden, who finds the troops with provisions, in favor of the opposition, and have beaten our men by small majorities. The troops, it seems, were paid off in Virginia money, which is below *par* in our State, and this just on the eve of the election, and hence you may see the turn that was given to the matter. Dr. Hunt, who wishes to be appointed surgeon at Occracock, is a fine man, and I should like for him to have it; but of these matters more when I see you.

You see our new bank has gone into operation. Suppose you open a correspondence [with] them about the matter we have been talking about. It is *all important* that this matter should be attended to.

With sentiments of great respect, I am, dear sir, yours, etc.,

J. SPEIGHT.

[Indorsement.]

Let a strict inquiry be had into the conduct of the officers complained of, and particularly why the paymaster has paid the troops in depreciated paper when he could as easily paid them in specie. It is his duty in all cases so to do, as all the revenue is specie and all public dues are payable in specie.

A. J.

SIXTH ANNUAL MESSAGE.

DECEMBER 1, 1834.

Fellow-Citizens of the Senate and House of Representatives:

In performing my duty at the opening of your present session it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that in surveying a scene so flattering to our free institutions our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of the northeastern boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the Senate for the establishment of a line according to the treaty of 1783 has not been accepted by that Government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the Governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark the best understanding exists. Commerce with all is fostered and protected by reciprocal good will under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties the Queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances and to the wise counsels of time and experience, that power has finally resolved no longer to occupy the unnatural position in which she stood to the new Governments established in this hemisphere. I have the great satisfaction of stating to you that in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties to the prejudice

of our navigation levied in Cuba and Puerto Rico has been transmitted to the minister of the United States at Madrid, to be communicated to the Government of the Queen. No intelligence of its receipt has yet reached the Department of State. If the present condition of the country permits the Government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havana to return with all that he can obtain, so that they may be in Washington before the session of the Supreme Court, to be used in the legal questions there pending to which the Government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long-subsisting friendship with that power affords the strongest guaranty that the balance due will receive prompt attention.

The first installment due under the convention of indemnity with the King of the Two Sicilies has been duly received, and an offer has been made to extinguish the whole by a prompt payment—an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims and the anxiety displayed to fulfill at once the stipulations made for the payment of them are highly honorable to the Government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive power temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances can not fail to exalt its character for justice and good faith in the eyes of all nations.

The treaty of amity and commerce between the United States and Belgium, brought to your notice in my last annual message as sanctioned by the Senate, but the ratifications of which had not been exchanged owing to a delay in its reception at Brussels and a subsequent absence of the Belgian minister of foreign affairs, has been, after mature deliberation, finally disavowed by that Government as inconsistent with the powers and instructions given to their minister who negotiated it. This disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the groundwork of the objections to it, were perfectly satisfactory to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions on questions of general maritime law.

Our newly established relations with the Sublime Porte promise to be useful to our commerce and satisfactory in every respect to this Government. Our intercourse with the Barbary Powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul and to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these powers, the Emperor of Morocco, was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction as its stipulations are just and liberal and have been, with mutual fidelity and reciprocal advantage, scrupulously fulfilled.

Intestine dissensions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the governments of most of the nations of this hemisphere which have separated themselves from Spain. When a firm and permanent understanding with the parent country shall have produced a formal acknowledgment of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice and their devotion to those peaceful arts the assiduous cultivation of which confers honor upon nations and gives value to human life. In the meantime I confidently hope that the apprehensions entertained that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for the enjoyment of liberty, to commit the too common error of purchasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power will not be realized. With all these Governments and with that of Brazil no unexpected changes in our relations have occurred during the present year. Frequent causes of just complaint have arisen upon the part of the citizens of the United States, sometimes from the irregular action of the constituted subordinate authorities of the maritime regions and sometimes from the leaders or partisans of those in arms against the established Governments. In all cases representations have been or will be made, and as soon as their political affairs are in a settled position it is expected that our friendly remonstrances will be followed by adequate redress.

The Government of Mexico made known in December last the appointment of commissioners and a surveyor on its part to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated—the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our chargé d'affaires was instructed in January last to negotiate in Mexico an article additional to the preexisting treaty. This instruction was

acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received that additional article to the treaty will be obtained and transmitted to this country as soon as it can receive the ratification of the Mexican Congress.

The reunion of the three States of New Grenada, Venezuela, and Equador, forming the Republic of Colombia, seems every day to become more improbable. The commissioners of the two first are understood to be now negotiating a just division of the obligations contracted by them when united under one government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose at an early day to submit, in the proper form, the appointment of a diplomatic agent to Venezuela, the importance of the commerce of that country to the United States and the large claims of our citizens upon the Government arising before and since the division of Colombia rendering it, in my judgment, improper longer to delay this step.

Our representatives to Central America, Peru, and Brazil are either at or on their way to their respective posts.

From the Argentine Republic, from which a minister was expected to this Government, nothing further has been heard. Occasion has been taken on the departure of a new consul to Buenos Ayres to remind that Government that its long-delayed minister, whose appointment had been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this pacific and highly gratifying picture of our foreign relations does not include those with France at this time. It is not possible that any Government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation than are those of the United States with their ancient ally and friend. This disposition is founded as well on the most grateful and honorable recollections associated with our struggle for independence as upon a well-grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see without the deepest regret even a temporary interruption of the friendly relations between the two countries—a regret which would, I am sure, be greatly aggravated if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this Government has been characterized by a spirit so conciliatory and forbearing as to make it impossible that our justice and moderation should be questioned, whatever may be the consequences of a longer perseverance on the part of the French Government in her omission to satisfy the conceded claims of our citizens.

The history of the accumulated and unprovoked aggressions upon our commerce committed by authority of the existing Governments of France

between the years 1800 and 1817 has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has for many years been scarcely a single administration of the French Government by whom the justice and legality of the claims of our citizens to indemnity were not to a very considerable extent admitted, and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestable validity. The negotiation for this purpose was commenced with the late Government of France, and was prosecuted with such success as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made would have been effected had not the revolution by which the negotiation was cut off taken place. The discussions were resumed with the present Government, and the result showed that we were not wrong in supposing that an event by which the two Governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation. After the most deliberate and thorough examination of the whole subject a treaty between the two Governments was concluded and signed at Paris on the 4th of July, 1831, by which it was stipulated that "the French Government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of 25,000,000 francs to the United States, who shall distribute it among those entitled in the manner and according to the rules it shall determine;" and it was also stipulated on the part of the French Government that this 25,000,000 francs should "be paid at Paris, in six annual installments of 4,166,666 francs and 66 centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it," the first installment to be paid "at the expiration of one year next following the exchange of the ratifications of this convention and the others at successive intervals of a year, one after another, till the whole shall be paid. To the amount of each of the said installments shall be added interest at 4 per cent thereupon, as upon the other installments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention."

It was also stipulated on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by

France on behalf of its citizens, that the sum of 1,500,000 francs should be paid to the Government of France in six annual installments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratifications. In addition to this stipulation, important advantages were secured to France by the following article, viz:

> The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union at duties which shall not exceed the following rates by the gallon (such as it is used at present for wines in the United States), to wit: 6 cents for red wines in casks; 10 cents for white wines in casks, and 22 cents for wines of all sorts in bottles. The proportions existing between the duties on French wines thus reduced and the general rates of the tariff which went into operation the 1st January, 1829, shall be maintained in case the Government of the United States should think proper to diminish those general rates in a new tariff.
>
> In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the eighth article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long-staple* cottons of the United States which after the exchange of the ratifications of the present convention shall be brought directly thence to France by the vessels of the United States or by French vessels the same duties as on *short-staple* cottons.

This treaty was duly ratified in the manner prescribed by the constitutions of both countries, and the ratification was exchanged at the city of Washington on the 2d of February, 1832. On account of its commercial stipulations it was in five days thereafter laid before the Congress of the United States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution, and France has from that period to the present been in the unrestricted enjoyment of the valuable privileges that were thus secured to her. The faith of the French nation having been thus solemnly pledged through its constitutional organ for the liquidation and ultimate payment of the long-deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done everything that was necessary to carry the treaty into full and fair effect on their part, counted with the most perfect confidence on equal fidelity and promptitude on the part of the French Government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnity to be paid or the commercial benefits to be secured to the United States, and the relations between the United States and that power in consequence thereof are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French Government been thus wanting in the per-

formance of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratifications reached Paris prior to the 8th April, 1832. The French Chambers were then sitting, and continued in session until the 21st of that month, and although one installment of the indemnity was payable on the 2d of February, 1833, one year after the exchange of ratifications, no application was made to the Chambers for the required appropriation, and in consequence of no appropriation having then been made the draft of the United States Government for that installment was dishonored by the minister of finance, and the United States thereby involved in much controversy. The next session of the Chambers commenced on the 19th November, 1832, and continued until the 25th April, 1833. Notwithstanding the omission to pay the first installment had been made the subject of earnest remonstrance on our part, the treaty with the United States and a bill making the necessary appropriations to execute it were not laid before the Chamber of Deputies until the 6th of April, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read and referred to a committee, but there was no further action upon it. The next session of the Chambers commenced on the 26th of April, 1833, and continued until the 26th of June following. A new bill was introduced on the 11th of June, but nothing important was done in relation to it during the session. In the month of April, 1834, nearly three years after the signature of the treaty, the final action of the French Chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens is probably greater than will be ultimately allowed by the commissioners, sufficient is, nevertheless, shown to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of the question of damages and interest for the detention. That the settlement involved a sacrifice in this respect was well known at the time—a sacrifice which was cheerfully acquiesced in by the different branches of the Federal Government, whose action upon the treaty was required from a sincere desire to avoid further collision upon this old and disturbing subject and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris about the 15th day of May last, might have been considered the final determination of the French Government not

to execute the stipulations of the treaty, and would have justified an immediate communication of the facts to Congress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the Chambers to make the appropriation were conveyed the regrets of the King and a declaration that a national vessel should be forthwith sent out with instructions to the French minister to give the most ample explanations of the past and the strongest assurances for the future. After a long passage the promised dispatch vessel arrived. The pledges given by the French minister upon receipt of his instructions were that as soon after the election of the new members as the charter would permit the legislative Chambers of France should be called together and the proposition for an appropriation laid before them; that all the constitutional powers of the King and his cabinet should be exerted to accomplish the object, and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the King and his cabinet, and, above all, that sacred regard for the national faith and honor for which the French character has been so distinguished would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on the 31st July last, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the King or his cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been overlooked had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the present month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay our minister in Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances on the part of the executive government of France of their intention to press the appropriation at the ensuing session of the Chambers.

The executive branch of this Government has, as matters stand,

exhausted all the authority upon the subject with which it is invested and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this Government, and further negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the further action of the French Chambers, no further consideration of the subject will at this session probably be required at your hands. But if from the original delay in asking for an appropriation, from the refusal of the Chambers to grant it when asked, from the omission to bring the subject before the Chambers at their last session, from the fact that, including that session, there have been five different occasions when the appropriation might have been made, and from the delay in convoking the Chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French Government, in all its branches, to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured by surrendering the rights of our citizens or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful and to my mind conclusive objections to this mode of proceeding. We can not embarrass or cut off the trade of France without at the same time in some degree embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the Government of the United States with the view of injuring France the clear perception of right which will induce our own

people and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just will be obscured and the support rendered to us in a final resort to more decisive measures will be more limited and equivocal. There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money which she has acknowledged to be due, and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered and that not the slightest pretense should be given to France to persist in her refusal to make payment by any act on our part affecting the interests of her people. The question should be left, as it is now, in such an attitude that when France fulfills her treaty stipulations all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and in case it be refused or longer delayed take redress into their own hands. After the delay on the part of France of a quarter of a century in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code that where one nation owes another a liquidated debt which it refuses or neglects to pay the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself toward Portugal, under circumstances less unquestionable.

The time at which resort should be had to this or any other mode of redress is a point to be decided by Congress. If an appropriation shall not be made by the French Chambers at their next session, it may justly be concluded that the Government of France has finally determined to disregard its own solemn undertaking and refuse to pay an acknowledged debt. In that event every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens. Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers. Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect anything from her fears and preclude the

necessity of a declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it as the evidence only of an inflexible determination on the part of the United States to insist on their rights. That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations and to the retributive judgments of Heaven.

Collision with France is the more to be regretted on account of the position she occupies in Europe in relation to liberal institutions, but in maintaining our national rights and honor all governments are alike to us. If by a collision with France in a case where she is clearly in the wrong the march of liberal principles shall be impeded, the responsibility for that result as well as every other will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether after what has taken place it will still await the further action of the French Chambers or now adopt such provisional measures as it may deem necessary and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive as far as he is authorized so to do.

According to the estimate of the Treasury Department, the revenue accruing from all sources during the present year will amount to $20,624,717, which, with the balance remaining in the Treasury on the 1st of January last of $11,702,905, produces an aggregate of $32,327,623. The total expenditure during the year for all objects, including the public debt, is estimated at $25,591,390, which will leave a balance in the Treasury on the 1st of January, 1835, of $6,736,232. In this balance, however, will be included about $1,150,000 of what was heretofore reported by the Department as not effective.

Of former appropriations it is estimated that there will remain unexpended at the close of the year $8,002,925, and that of this sum there will not be required more than $5,141,964 to accomplish the objects of all the current appropriations. Thus it appears that after satisfying all those appropriations and after discharging the last item of our public debt, which will be done on the 1st of January next, there will remain unexpended in the Treasury an effective balance of about $440,000. That such should be the aspect of our finances is highly flattering to the industry and enterprise of our population and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the

present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interests to consult in our intercourse with foreign powers, the present may be hailed as the epoch in our history the most favorable for the settlement of those principles in our domestic policy which shall be best calculated to give stability to our Republic and secure the blessings of freedom to our citizens.

Among these principles, from our past experience, it can not be doubted that simplicity in the character of the Federal Government and a rigid economy in its administration should be regarded as fundamental and sacred. All must be sensible that the existence of the public debt, by rendering taxation necessary for its extinguishment, has increased the difficulties which are inseparable from every exercise of the taxing power, and that it was in this respect a remote agent in producing those disturbing questions which grew out of the discussions relating to the tariff. If such has been the tendency of a debt incurred in the acquisition and maintenance of our national rights and liberties, the obligations of which all portions of the Union cheerfully acknowledged, it must be obvious that whatever is calculated to increase the burdens of Government without necessity must be fatal to all our hopes of preserving its true character. While we are felicitating ourselves, therefore, upon the extinguishment of the national debt and the prosperous state of our finances, let us not be tempted to depart from those sound maxims of public policy which enjoin a just adaptation of the revenue to the expenditures that are consistent with a rigid economy and an entire abstinence from all topics of legislation that are not clearly within the constitutional powers of the Government and suggested by the wants of the country. Properly regarded under such a policy, every diminution of the public burdens arising from taxation gives to individual enterprise increased power and furnishes to all the members of our happy Confederacy new motives for patriotic affection and support. But above all, its most important effect will be found in its influence upon the character of the Government by confining its action to those objects which will be sure to secure to it the attachment and support of our fellow-citizens.

Circumstances make it my duty to call the attention of Congress to the Bank of the United States. Created for the convenience of the Government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt that it might retain the public money appropriated for that purpose to strengthen it in a political contest, the extraordinary extension and contraction of its accommodations to the community, its corrupt and partisan loans, its exclusion of the public directors from a knowledge of its most important proceedings, the unlimited authority conferred on the president to expend

its funds in hiring writers and procuring the execution of printing, and the use made of that authority, the retention of the pension money and books after the selection of new agents, the groundless claim to heavy damages in consequence of the protest of the bill drawn on the French Government, have through various channels been laid before Congress. Immediately after the close of the last session the bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment and the interruption of domestic exchanges which it had practiced upon from the 1st of August, 1833, to the 30th of June, 1834, and to extend its accommodations to the community. The grounds assumed in this annunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the bank, and had been persisted in merely to induce Congress to grant the prayer of the bank in its memorial relative to the removal of the deposits and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months had been needlessly produced by it, with the view of affecting through the sufferings of the people the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the infliction, that the energies of our people soon found relief from this wanton tyranny in vast importations of the precious metals from almost every part of the world, and that at the close of this tremendous effort to control our Government the bank found itself powerless and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries, so that on the 1st of October last the extraordinary spectacle was presented of a national bank more than one-half of whose capital was either lying unproductive in its vaults or in the hands of foreign bankers.

To the needless distresses brought on the country during the last session of Congress has since been added the open seizure of the dividends on the public stock to the amount of $170,041, under pretense of paying damages, cost, and interest upon the protested French bill. This sum constituted a portion of the estimated revenues for the year 1834, upon which the appropriations made by Congress were based. It would as soon have been expected that our collectors would seize on the customs or the receivers of our land offices on the moneys arising from the sale of public lands under pretenses of claims against the United States as that the bank would have retained the dividends. Indeed, if the principle be established that anyone who chooses to set up a claim against the United States may without authority of law seize on the public property or money wherever he can find it to pay such claim, there will remain no assurance that our revenue will reach the Treasury or that it will be applied after the appropriation to the purposes designated in the

law. The paymasters of our Army and the pursers of our Navy may under like pretenses apply to their own use moneys appropriated to set in motion the public force, and in time of war leave the country without defense. This measure resorted to by the bank is disorganizing and revolutionary, and if generally resorted to by private citizens in like cases would fill the land with anarchy and violence.

It is a constitutional provision "that no money shall be drawn from the Treasury but in consequence of appropriations made by law." The palpable object of this provision is to prevent the expenditure of the public money for any purpose whatsoever which shall not have been first approved by the representatives of the people and the States in Congress assembled. It vests the power of declaring for what purposes the public money shall be expended in the legislative department of the Government, to the exclusion of the executive and judicial, and it is not within the constitutional authority of either of those departments to pay it away without law or to sanction its payment. According to this plain constitutional provision, the claim of the bank can never be paid without an appropriation by act of Congress. But the bank has never asked for an appropriation. It attempts to defeat the provision of the Constitution and obtain payment without an act of Congress. Instead of awaiting an appropriation passed by both Houses and approved by the President, it makes an appropriation for itself and invites an appeal to the judiciary to sanction it. That the money had not technically been paid into the Treasury does not affect the principle intended to be established by the Constitution. The Executive and the judiciary have as little right to appropriate and expend the public money without authority of law before it is placed to the credit of the Treasury as to take it from the Treasury. In the annual report of the Secretary of the Treasury, and in his correspondence with the president of the bank, and the opinions of the Attorney-General accompanying it, you will find a further examination of the claims of the bank and the course it has pursued.

It seems due to the safety of the public funds remaining in that bank and to the honor of the American people that measures be taken to separate the Government entirely from an institution so mischievous to the public prosperity and so regardless of the Constitution and laws. By transferring the public deposits, by appointing other pension agents as far as it had the power, by ordering the discontinuance of the receipt of bank checks in the payment of the public dues after the 1st day of January, the Executive has exerted all its lawful authority to sever the connection between the Government and this faithless corporation.

The high-handed career of this institution imposes upon the constitutional functionaries of this Government duties of the gravest and most imperative character—duties which they can not avoid and from which I trust there will be no inclination on the part of any of them to shrink. My own sense of them is most clear, as is also my readiness to discharge

NEW YORK IN 1790 AND 1910: SIX-SCORE YEARS' GROWTH

NEW YORK: AN INSTANCE OF PROGRESS

It is interesting, after scanning a picture like that on the other side, to refer to the forecasts of America's destiny made by the Presidents. During the Civil War, Lincoln wrote that if the population continued to increase at the rate which had been maintained up to that time, we should have by 1911 a population of 250,000,000. (See page 3259.) That prophesy has not been fulfilled and the increase of our people has slackened considerably since his time. The prosperity of the country depends on the security of the Government, and, vice versa, the strength of a Government may be gauged by the business conditions under it. The Government's part in business affairs was never so active as now. For proof of this assertion, consult the encyclopedic index headings "Anti-Trust Law," "Inter-State Commerce," "Trusts," "Monopolies," "Corporations," "Conspiracies," "Commerce," "Common Carriers," and "Standard Oil Case." The Presidents have made a profound study of the subject, and references to the pages mentioned by the index under the above headings will be well repaid. President Taft's message on the Interstate Commerce and Anti-Trust Laws is probably the best discussion of those statutes which have appeared, because it sums up the experience of previous administrations (page 7829).

those which may rightfully fall on me. To continue any business relations with the Bank of the United States that may be avoided without a violation of the national faith after that institution has set at open defiance the conceded right of the Government to examine its affairs, after it has done all in its power to deride the public authority in other respects and to bring it into disrepute at home and abroad, after it has attempted to defeat the clearly expressed will of the people by turning against them the immense power intrusted to its hands and by involving a country otherwise peaceful, flourishing, and happy, in dissension, embarrassment, and distress, would make the nation itself a party to the degradation so sedulously prepared for its public agents and do much to destroy the confidence of mankind in popular governments and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honor and preservation of the republican system. Deeply and solemnly impressed with the justice of these views, I feel it to be my duty to recommend to you that a law be passed authorizing the sale of the public stock; that the provision of the charter requiring the receipt of notes of the bank in payment of public dues shall, in accordance with the power reserved to Congress in the fourteenth section of the charter, be suspended until the bank pays to the Treasury the dividends withheld, and that all laws connecting the Government or its officers with the bank, directly or indirectly, be repealed, and that the institution be left hereafter to its own resources and means.

Events have satisfied my mind, and I think the minds of the American people, that the mischiefs and dangers which flow from a national bank far overbalance all its advantages. The bold effort the present bank has made to control the Government, the distresses it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution or the establishment of another like it. It is fervently hoped that thus admonished those who have heretofore favored the establishment of a substitute for the present bank will be induced to abandon it, as it is evidently better to incur any inconvenience that may be reasonably expected than to concentrate the whole moneyed power of the Republic in any form whatsoever or under any restrictions.

Happily it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly and with the same cheapness. They have maintained themselves and discharged all these duties while the Bank of the United States was still powerful and in the field as an open enemy, and it is not possible to

conceive that they will find greater difficulties in their operations when that enemy shall cease to exist.

The attention of Congress is earnestly invited to the regulation of the deposits in the State banks by law. Although the power now exercised by the executive department in this behalf is only such as was uniformly exerted through every Administration from the origin of the Government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury and to impose restrictions upon the Executive authority in relation to their custody and removal is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or the Secretary of the Treasury over those institutions, which, being thus freed from Executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the Bank of the United States to agitate and convulse the country for upward of two years.

The progress of our gold coinage is creditable to the officers of the Mint, and promises in a short period to furnish the country with a sound and portable currency, which will much diminish the inconvenience to travelers of the want of a general paper currency should the State banks be incapable of furnishing it. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade at reasonable rates, and not a doubt is entertained that in a short period all the wants of the country in bank accommodations and exchange will be supplied as promptly and as cheaply as they have heretofore been by the Bank of the United States. If the several States shall be induced gradually to reform their banking systems and prohibit the issue of all small notes, we shall in a few years have a currency as sound and as little liable to fluctuations as any other commercial country.

The report of the Secretary of War, together with the accompanying documents from the several bureaus of that Department, will exhibit the situation of the various objects committed to its administration.

No event has occurred since your last session rendering necessary any movements of the Army, with the exception of the expedition of the regiment of dragoons into the territory of the wandering and predatory tribes inhabiting the western frontier and living adjacent to the Mexican boundary. These tribes have been heretofore known to us principally by their attacks upon our own citizens and upon other Indians entitled

to the protection of the United States. It became necessary for the peace of the frontiers to check these habitual inroads, and I am happy to inform you that the object has been effected without the commission of any act of hostility. Colonel Dodge and the troops under his command have acted with equal firmness and humanity, and an arrangement has been made with those Indians which it is hoped will assure their permanent pacific relations with the United States and the other tribes of Indians upon that border. It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives, and particularly that General Leavenworth, an officer well known, and esteemed for his gallant services in the late war and for his subsequent good conduct, has fallen a victim to his zeal and exertions in the discharge of his duty.

The Army is in a high state of discipline. Its moral condition, so far as that is known here, is good, and the various branches of the public service are carefully attended to. It is amply sufficient under its present organization for providing the necessary garrisons for the seaboard and for the defense of the internal frontier, and also for preserving the elements of military knowledge and for keeping pace with those improvements which modern experience is continually making. And these objects appear to me to embrace all the legitimate purposes for which a permanent military force should be maintained in our country. The lessons of history teach us its danger and the tendency which exists to an increase. This can be best met and averted by a just caution on the part of the public itself, and of those who represent them in Congress.

From the duties which devolve on the Engineer Department and upon the topographical engineers, a different organization seems to be demanded by the public interest, and I recommend the subject to your consideration.

No important change has during this season taken place in the condition of the Indians. Arrangements are in progress for the removal of the Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined as a community to remove. How long the personal causes which have heretofore retarded that ultimately inevitable measure will continue to operate I am unable to conjecture. It is certain, however, that delay will bring with it accumulated evils which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of the tribes yet living amongst us. The facility with which the necessaries of life are procured and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits and in the important concern of education, and their removal from those causes which have heretofore depressed all and destroyed many of the tribes, can not fail to stimulate their exertions and to reward their industry.

The two laws passed at the last session of Congress on the subject

of Indian affairs have been carried into effect, and detailed instructions for their administration have been given. It will be seen by the estimates for the present session that a great reduction will take place in the expenditures of the Department in consequence of these laws, and there is reason to believe that their operation will be salutary and that the colonization of the Indians on the western frontier, together with a judicious system of administration, will still further reduce the expenses of this branch of the public service and at the same time promote its usefulness and efficiency.

Circumstances have been recently developed showing the existence of extensive frauds under the various laws granting pensions and gratuities for Revolutionary services. It is impossible to estimate the amount which may have been thus fraudulently obtained from the National Treasury. I am satisfied, however, it has been such as to justify a reexamination of the system and the adoption of the necessary checks in its administration. All will agree that the services and sufferings of the remnant of our Revolutionary band should be fully compensated; but while this is done, every proper precaution should be taken to prevent the admission of fabricated and fraudulent claims. In the present mode of proceeding the attestations and certificates of the judicial officers of the various States form a considerable portion of the checks which are interposed against the commission of frauds. These, however, have been and may be fabricated, and in such a way as to elude detection at the examining offices. And independently of this practical difficulty, it is ascertained that these documents are often loosely granted; sometimes even blank certificates have been issued; sometimes prepared papers have been signed without inquiry, and in one instance, at least, the seal of the court has been within reach of a person most interested in its improper application. It is obvious that under such circumstances no severity of administration can check the abuse of the law. And information has from time to time been communicated to the Pension Office questioning or denying the right of persons placed upon the pension list to the bounty of the country. Such cautions are always attended to and examined, but a far more general investigation is called for, and I therefore recommend, in conformity with the suggestion of the Secretary of War, that an actual inspection should be made in each State into the circumstances and claims of every person now drawing a pension. The honest veteran has nothing to fear from such a scrutiny, while the fraudulent claimant will be detected and the public Treasury relieved to an amount, I have reason to believe, far greater than has heretofore been suspected. The details of such a plan could be so regulated as to interpose the necessary checks without any burdensome operation upon the pensioners. The object should be twofold:

1. To look into the original justice of the claims, so far as this can be done under a proper system of regulations, by an examination of the

claimants themselves and by inquiring in the vicinity of their residence into their history and into the opinion entertained of their Revolutionary services.

2. To ascertain in all cases whether the original claimant is living, and this by actual personal inspection.

This measure will, if adopted, be productive, I think, of the desired results, and I therefore recommend it to your consideration, with the further suggestion that all payments should be suspended till the necessary reports are received.

It will be seen by a tabular statement annexed to the documents transmitted to Congress that the appropriations for objects connected with the War Department, made at the last session, for the service of the year 1834, excluding the permanent appropriation for the payment of military gratuities under the act of June 7, 1832, the appropriation of $200,000 for arming and equipping the militia, and the appropriation of $10,000 for the civilization of the Indians, which are not annually renewed, amounted to the sum of $9,003,261, and that the estimates of appropriations necessary for the same branches of service for the year 1835 amount to the sum of $5,778,964, making a difference in the appropriations of the current year over the estimates of the appropriations for the next of $3,224,297.

The principal causes which have operated at this time to produce this great difference are shown in the reports and documents and in the detailed estimates. Some of these causes are accidental and temporary, while others are permanent, and, aided by a just course of administration, may continue to operate beneficially upon the public expenditures.

A just economy, expending where the public service requires and withholding where it does not, is among the indispensable duties of the Government.

I refer you to the accompanying report of the Secretary of the Navy and to the documents with it for a full view of the operations of that important branch of our service during the present year. It will be seen that the wisdom and liberality with which Congress has provided for the gradual increase of our navy material have been seconded by a corresponding zeal and fidelity on the part of those to whom has been confided the execution of the laws on the subject, and that but a short period would be now required to put in commission a force large enough for any exigency into which the country may be thrown.

When we reflect upon our position in relation to other nations, it must be apparent that in the event of conflicts with them we must look chiefly to our Navy for the protection of our national rights. The wide seas which separate us from other Governments must of necessity be the theater on which an enemy will aim to assail us, and unless we are prepared to meet him on this element we can not be said to possess the power requisite to repel or prevent aggressions. We can not, therefore, watch

with too much attention this arm of our defense, or cherish with too much care the means by which it can possess the necessary efficiency and extension. To this end our policy has been heretofore wisely directed to the constant employment of a force sufficient to guard our commerce, and to the rapid accumulation of the materials which are necessary to repair our vessels and construct with ease such new ones as may be required in a state of war.

In accordance with this policy, I recommend to your consideration the erection of the additional dry dock described by the Secretary of the Navy, and also the construction of the steam batteries to which he has referred, for the purpose of testing their efficacy as auxiliaries to the system of defense now in use.

The report of the Postmaster-General herewith submitted exhibits the condition and prospects of that Department. From that document it appears that there was a deficit in the funds of the Department at the commencement of the present year beyond its available means of $315,599.98, which on the 1st July last had been reduced to $268,092.74. It appears also that the revenues for the coming year will exceed the expenditures about $270,000, which, with the excess of revenue which will result from the operations of the current half year, may be expected, independently of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835. But as this calculation is based on the gross amount of postages which had accrued within the period embraced by the times of striking the balances, it is obvious that without a progressive increase in the amount of postages the existing retrenchments must be persevered in through the year 1836 that the Department may accumulate a surplus fund sufficient to place it in a condition of perfect ease.

It will be observed that the revenues of the Post-Office Department, though they have increased, and their amount is above that of any former year, have yet fallen short of the estimates more than $100,000. This is attributed in a great degree to the increase of free letters growing out of the extension and abuse of the franking privilege. There has been a gradual increase in the number of executive offices to which it has been granted, and by an act passed in March, 1833, it was extended to members of Congress throughout the whole year. It is believed that a revision of the laws relative to the franking privilege, with some enactments to enforce more rigidly the restrictions under which it is granted, would operate beneficially to the country, by enabling the Department at an earlier period to restore the mail facilities that have been withdrawn, and to extend them more widely, as the growing settlements of the country may require.

To a measure so important to the Government and so just to our constituents, who ask no exclusive privileges for themselves and are not willing to concede them to others, I earnestly recommend the serious attention of Congress.

The importance of the Post-Office Department and the magnitude to which it has grown, both in its revenues and in its operations, seem to demand its reorganization by law. The whole of its receipts and disbursements have hitherto been left entirely to Executive control and individual discretion. The principle is as sound in relation to this as to any other Department of the Government, that as little discretion should be confided to the executive officer who controls it as is compatible with its efficiency. It is therefore earnestly recommended that it be organized with an auditor and treasurer of its own, appointed by the President and Senate, who shall be branches of the Treasury Department.

Your attention is again respectfully invited to the defect which exists in the judicial system of the United States. Nothing can be more desirable than the uniform operation of the Federal judiciary throughout the several States, all of which, standing on the same footing as members of the Union, have equal rights to the advantages and benefits resulting from its laws. This object is not attained by the judicial acts now in force, because they leave one-fourth of the States without circuit courts.

It is undoubtedly the duty of Congress to place all the States on the same footing in this respect, either by the creation of an additional number of associate judges or by an enlargement of the circuits assigned to those already appointed so as to include the new States. Whatever may be the difficulty in a proper organization of the judicial system so as to secure its efficiency and uniformity in all parts of the Union and at the same time to avoid such an increase of judges as would encumber the supreme appellate tribunal, it should not be allowed to weigh against the great injustice which the present operation of the system produces.

I trust that I may be also pardoned for renewing the recommendation I have so often submitted to your attention in regard to the mode of electing the President and Vice-President of the United States. All the reflection I have been able to bestow upon the subject increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure in all contingencies that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either four or six years, I think our liberties would possess an additional safeguard.

At your last session I called the attention of Congress to the destruction of the public building occupied by the Treasury Department. As the public interest requires that another building should be erected with as little delay as possible, it is hoped that the means will be seasonably provided and that they will be ample enough to authorize such an enlargement and improvement in the plan of the building as will more effectually accommodate the public officers and secure the public documents deposited in it from the casualties of fire.

I have not been able to satisfy myself that the bill entitled "An act to improve the navigation of the Wabash River," which was sent to me at the close of your last session, ought to pass, and I have therefore withheld from it my approval and now return it to the Senate, the body in which it originated.

There can be no question connected with the administration of public affairs more important or more difficult to be satisfactorily dealt with than that which relates to the rightful authority and proper action of the Federal Government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

I have heretofore communicated freely with Congress upon this subject, and in adverting to it again I can not refrain from expressing my increased conviction of its extreme importance as well in regard to its bearing upon the maintenance of the Constitution and the prudent management of the public revenue as on account of its disturbing effect upon the harmony of the Union.

We are in no danger from violations of the Constitution by which encroachments are made upon the personal rights of the citizen. The sentence of condemnation long since pronounced by the American people upon acts of that character will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages and bring in their train the patronage of the Government, we are, I fear, not so safe. To suppose that because our Government has been instituted for the benefit of the people it must therefore have the power to do whatever may seem to conduce to the public good is an error into which even honest minds are too apt to fall. In yielding themselves to this fallacy they overlook the great considerations in which the Federal Constitution was founded. They forget that in consequence of the conceded diversities in the interest and condition of the different States it was foreseen at the period of its adoption that although a particular measure of the Government might be beneficial and proper in one State it might be the reverse in another; that it was for this reason the States would not consent to make a grant to the Federal Government of the general and usual powers of government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate; and they forget also the paramount obligation upon all to abide by the compact then so solemnly and, as it was hoped, so firmly established. In addition to the dangers to the Constitution springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of its adaptation to the purposes of personal

ambition. With such stimulants it is not surprising that the acts and pretensions of the Federal Government in this behalf should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related—

First. To the power of making internal improvements within the limits of a State, with the right of territorial jurisdiction, sufficient at least for their preservation and use.

Second. To the right of appropriating money in aid of such works when carried on by a State or by a company in virtue of State authority, surrendering the claim of jurisdiction; and

Third. To the propriety of appropriation for improvements of a particular class, viz, for light-houses, beacons, buoys, public piers, and for the removal of sand bars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

The claims of power for the General Government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys common to all, there is superadded to that the conflicting jurisdictions of the respective governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the Constitution. That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the State and Federal Governments in the absence of a constitutional provision marking out their respective boundaries can not be doubted. The local advantages to be obtained would induce the States to overlook in the beginning the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the Federal Government would soon be regarded with jealousy by the State authorities, and originating as they must from implication or assumption, it would be impossible to affix to them certain and safe limits. Opportunities and temptations to the assumption of power incompatible with State sovereignty would be increased and those barriers which resist the tendency of our system toward consolidation greatly weakened. The officers and agents of the General Government might not always have the discretion to abstain from intermeddling with State concerns, and if they did they would not always escape the suspicion of having done so. Collisions and consequent irritations would spring up; that harmony which should ever exist between the General Government and each member of the Confederacy would be frequently interrupted; a spirit of contention would be engendered and the dangers of disunion greatly multiplied.

Yet we all know that notwithstanding these grave objections this dangerous doctrine was at one time apparently proceeding to its final establishment with fearful rapidity. The desire to embark the Federal

Government in works of internal improvement prevailed in the highest degree during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two Houses, there had been reported by the Committees of Internal Improvements bills containing appropriations for such objects, inclusive of those for the Cumberland road and for harbors and light-houses, to the amount of $106,000,000. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials to Congress presented but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded $100,000,000.

Regarding the bill authorizing a subscription to the stock of the Maysville and Lexington Turnpike Company as the entering wedge of a system which, however weak at first, might soon become strong enough to rive the bands of the Union asunder, and believing that if its passage was acquiesced in by the Executive and the people there would no longer be any limitation upon the authority of the General Government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the Executive approval. Although from the obviously local character of that work I might well have contented myself with a refusal to approve the bill upon that ground, yet sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress and by my constituents, I felt it my duty to go further. I therefore embraced that early occasion to apprise Congress that in my opinion the Constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a State and to say, respectfully, that no bill admitting such a power could receive my official sanction. I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two Houses and myself, and that the harmonious action of the several departments of the Federal Government in regard to it would be ultimately secured.

So far, at least, as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt within my recollection has been made to induce Congress to exercise this power. The applications for the construction of roads and canals which were formerly multiplied

upon your files are no longer presented, and we have good reason to infer that the current of public sentiment has become so decided against the pretension as effectually to discourage its reassertion. So thinking, I derive the greatest satisfaction from the conviction that thus much at least has been secured upon this important and embarrassing subject.

From attempts to appropriate the national funds to objects which are confessedly of a local character we can not, I trust, have anything further to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character and prosecuted under State authority—assuming that Congress have the right to do so—were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville road bill.

So thoroughly convinced am I that no such appropriations ought to be made by Congress until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the Executive sanction to any bill containing such an appropriation. If the people of the United States desire that the public Treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the Constitution prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the Confederacy. The effects of such a regulation would be most salutary in preventing unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of Government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others have already been stated to Congress. I will now only add that at the first session of Congress under the new Constitution it was provided by law that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk before the passage of the act within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States, and, further, that it should be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when

necessary and keeping in good repair the light-houses, beacons, buoys, and public piers in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers and in the harbors upon our Great Lakes as well as on the seaboard. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow in this respect in the footsteps of all my predecessors. Sensible, however, from experience and observation of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution by appropriations for remote and not well-understood objects. But as neither my own reflections nor the lights which I may properly derive from other sources have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled "An act to improve the navigation of the Wabash River;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprised, and without throwing the subject again open to abuses which no good citizen entertaining my opinions could desire.

I rely upon the intelligence and candor of my fellow-citizens, in whose liberal indulgence I have already so largely participated, for a correct appreciation of my motives in interposing as I have done on this and other occasions checks to a course of legislation which, without in the slightest degree calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public treasure.

I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects,

and conducted under an authority generally conceded to be rightful, that a successful prosecution of them can not be reasonably expected. The attempt will meet with resistance where it might otherwise receive support, and instead of strengthening the bonds of our Confederacy it will only multiply and aggravate the causes of disunion.

ANDREW JACKSON.

SPECIAL MESSAGES.

WASHINGTON, *December 4, 1834.*

To the Senate and House of Representatives:

I transmit to Congress a communication addressed to me by M. George Washington Lafayette, accompanying a copy of the Declaration of Independence engraved on copper, which his illustrious father bequeathed to Congress to be placed in their library as a last tribute of respect, patriotic love, and affection for his adopted country.

I have a mournful satisfaction in transmitting this precious bequest of that great and good man who through a long life, under many vicissitudes and in both hemispheres, sustained the principles of civil liberty asserted in that memorable Declaration, and who from his youth to the last moment of his life cherished for our beloved country the most generous attachment.

ANDREW JACKSON.

The bequest accompanies the message to the House of Representatives.

A. J.

PARIS, *June 15, 1834.*

SIR: A great misfortune has given me more than one solemn and important duty to fulfill, and the ardent desire of accomplishing with fidelity my father's last will emboldens me to claim the patronage of the President of the United States and his benevolent intervention when I am obliged respectfully and mournfully to address the Senate and Representatives of a whole nation.

Our forever beloved parent possessed a copper plate on which was inscribed the first engraved copy of the American Declaration of Independence, and his last intention in departing this world was that the precious plate should be presented to the Congress of the United States, to be deposited in their library as a last tribute of respect, patriotic love, and affection for his adopted country.

Will it be permitted to me, a faithful disciple of that American school whose principles are so admirably exposed in that immortal Declaration, to hope that you, sir, would do me the honor to communicate this letter to both Houses of Congress at the same time that in the name of his afflicted family you would present to them my venerated father's gift?

In craving such an important favor, sir, the son of General Lafayette, the adopted

grandson of Washington, knows and shall never forget that he would become unworthy of it if he was ever to cease to be a French and American patriot.

With the utmost respect, I am, sir, your devoted and obedient servant,

GEORGE W. LAFAYETTE.

WASHINGTON, *December 10, 1834.*

To the Senate and House of Representatives of the United States:

The joint resolutions of Congress unanimously expressing their sensibility on the intelligence of the death of General Lafayette were communicated, in compliance with their will, to George Washington Lafayette and the other members of the family of that illustrious man. By their request I now present the heartfelt acknowledgments of the surviving descendants of our beloved friend for that highly valued proof of the sympathy of the United States.

ANDREW JACKSON.

WASHINGTON, *June 27, 1834.*

GEORGE WASHINGTON LAFAYETTE AND THE OTHER MEMBERS OF THE FAMILY OF THE LATE GENERAL LAFAYETTE:

In compliance with the will of Congress, I transmit to you the joint resolutions of the two Houses unanimously expressing the sensibility with which they received the intelligence of the death of "General Lafayette, the friend of the United States, the friend of Washington, and the friend of liberty;" and I also assure you of the condolence of this whole nation in the irreparable bereavement which by that event you have sustained.

In complying with the request of Congress I can not omit the occasion of offering you my own condolence in the great loss you have sustained, and of expressing my admiration of the eminent virtues of the distinguished patriot whom it has pleased Providence to remove to his high reward.

I also pray you to be persuaded that your individual welfare and prosperity will always be with me objects of that solicitude which the illustrious services of the great friend and benefactor of my country are calculated to awaken.

ANDREW JACKSON,
President of the United States.

RESOLUTION manifesting the sensibility of the two Houses of Congress and of the nation on the occasion of the decease of General Lafayette.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the two Houses of Congress have received with the profoundest sensibility intelligence of the death of General Lafayette, the friend of the United States, the friend of Washington, and the friend of liberty.

And be it further resolved, That the sacrifices and efforts of this illustrious person in the cause of our country during her struggle for independence, and the affectionate interest which he has at all times manifested for the success of her political institutions, claim from the Government and people of the United States an expression of condolence for his loss, veneration for his virtues, and gratitude for his services.

And be it further resolved, That the President of the United States be requested to address, together with a copy of the above resolutions, a letter to George Washington Lafayette and the other members of his family, assuring them of the condolence of this whole nation in their irreparable bereavement.

And be it further resolved, That the members of the two Houses of Congress will wear a badge of mourning for thirty days, and that it be recommended to the people of the United States to wear a similar badge for the same period.

And be it further resolved, That the halls of the Houses be dressed in mourning for the residue of the session.

And be it further resolved, That John Quincy Adams be requested to deliver an oration on the life and character of General Lafayette before the two Houses of Congress at the next session.

JNO. BELL,
Speaker of the House of Representatives.

M. VAN BUREN,
Vice-President of the United States and President of the Senate.

Approved, June 26, 1834.

ANDREW JACKSON.

LA GRANGE, *October 21, 1834.*

SIR: The resolution of Congress communicated to me by your honored favor of the 27th of June, that glorious testimony of American national affection for my beloved and venerated father, has been received by his family with the deepest sense of the most respectful and, give me leave to say, filial gratitude.

And now, sir, that we experience the benefits of such a high and soothing sympathy, we find ourselves called to the honor of addressing to the people and Congress of the United States our heartfelt and dutiful thanks.

Sir, you were the friend of my father, and the kind letter which accompanied the precious message seems to be for us a sufficient authorization to our claiming once more your honorable assistance for the accomplishment of a duty dear to our hearts. We most fervently wish that the homage of our everlasting devotion to a nation whose tears have deigned to mingle with ours should be offered to both Houses of Congress. Transmitted by you, sir, that homage shall be rendered acceptable, and we earnestly pray you, sir, to present it in our name. Our gratitude shall be forever adequate to the obligation.

The resolution which so powerfully honors my father's memory shall be deposited as a most sacred family property in that room of mourning where once his son and grandsons used to receive with avidity from him lessons of patriotism and active love of liberty. There the daily contemplation of it will more and more impress their minds with that encouraging conviction that the affection and esteem of a free nation is the most desirable reward that can be obtained on earth.

With the utmost respect, sir, I have the honor to be, your devoted and obedient servant,

GEORGE W. LAFAYETTE.

WASHINGTON, *December 12, 1834.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 10th instant, calling for any information which the President may possess respecting the burning of the building occupied by the Treasury Department in the year 1833, I transmit herewith the papers containing the inquiry into the cause of that disaster, which was directed and made soon after its occurrence.

Accompanying this inquiry I also transmit a particular report from

Mr. McLane, who was then Secretary of the Treasury, stating all the facts relating to the subject which were within the knowledge of the officers of the Department and such losses of records and papers as were ascertained to have been sustained.

ANDREW JACKSON.

To the Senate:

I transmit herewith, for the consideration of the Senate, papers showing the terms on which the united tribes of the Chippewas, Ottawas, and Potawatamies are willing to accede to the amendments contained in the resolution of the Senate of the 22d of May last, ratifying conditionally the treaty which had been concluded with them on the 26th day of September, 1833.

ANDREW JACKSON.

DECEMBER 15, 1834.

WASHINGTON, *December 27, 1834.*

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, together with the papers relative to the execution of the treaty of the 4th of July, 1831, between the United States and France, requested by their resolution of the —— instant.

ANDREW JACKSON.

WASHINGTON, *December 27, 1834:*

To the House of Representatives of the United States:

I transmit to the House a report from the Secretary of State, together with the papers relating to the refusal of the French Government to make provision for the execution of the treaty between the United States and France concluded on the 4th July, 1831, requested by their resolution of the 24th instant.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, December 27, 1834.

THE PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 24th instant, requesting the President of the United States "to communicate to the House, if not in his opinion incompatible with the public interest, any communications or correspondence which may have taken place between our minister at Paris and the French Government, or between the minister from France to this Government and the Secretary of State, on the subject of the refusal of the French Government to make provision for the execution of the treaty concluded between the United States and France on the 4th July, 1831," has the honor of reporting to the President copies of the papers desired by that resolution.

It will be perceived that no authority was given to either of the chargés d'affaires who succeeded Mr. Rives to enter into any correspondence with the French Government in regard to the merits of the convention, or in relation to its execution.

except to urge the prompt delivery of the papers stipulated for in the sixth article and to apprise that Government of the arrangement made for receiving payment of the first installment.

All which is respectfully submitted. JOHN FORSYTH.

WASHINGTON, *January 5, 1835.*

To the House of Representatives:

In answer to the resolution of the House of Representatives passed on the 24th ultimo, I transmit a report* from the Secretary of State upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 6, 1835.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives passed on the 27th ultimo, I transmit a report made to me by the Secretary of State on the subject; and I have to acquaint the House that the negotiation for the settlement of the northeastern boundary being now in progress, it would, in my opinion, be incompatible with the public interest to lay before the House any communications which have been had between the two Governments since the period alluded to in the resolution.

ANDREW JACKSON.

WASHINGTON, *January 13, 1835.*

To the House of Representatives:

In compliance with the resolution of the House of the 8th instant, requesting "copies of every circular or letter of instruction emanating from the Treasury or War Departments since the 30th day of June last, and addressed to either the receiving or the disbursing officers stationed in States wherein land offices are established or public works are constructing under the authority of Congress," I transmit herewith reports from the Secretaries of the Treasury and War Departments, containing the information sought for.

ANDREW JACKSON.

WASHINGTON, *January 13, 1835.*

To the Senate of the United States:

I have received the resolution of the Senate of the 9th instant, requesting me to communicate "a copy of any report made by any director or directors of the Bank of the United States appointed by the Government, purporting to give information to the Executive of certain notes and bills of exchange discounted at the Bank of the United States for account and benefit of George Poindexter, a member of the Senate; also the name or names of such director or directors."

*Relating to claims of American citizens upon the Mexican Government.

In my replies to the resolutions of the Senate of the 11th December, 1833, and of 12th of June, 1834, the former passed in their legislative and the latter in their executive capacity, I had occasion to state the objections to requests of this nature, and to vindicate in this respect the constitutional rights of the executive department. The views then expressed remain unchanged, and as I think them peculiarly applicable to the present occasion I should feel myself required to decline any reply to the resolution before me were there not reason to apprehend that persons now in nomination before the Senate might possibly by such a course be exposed to improper and injurious imputations.

The resolution of the Senate, standing alone, would seem to be adopted with the view of obtaining information in regard to the transactions which may have been had between a particular member of the Senate and the Bank of the United States. It can, however, scarcely be supposed that such was its object, inasmuch as the Senate have it in their power to obtain any information they may desire on this subject from their own committee, who have been freely allowed, as appears by their published report, to make examinations of the books and proceedings of the bank, peremptorily denied to the Government directors, and not even allowed to the committee of the House of Representatives. It must therefore be presumed that the resolution has reference to some other matter, and on referring to the Executive Journal of the Senate I find therein such proceedings as in my judgment fully to authorize the apprehension stated.

Under these circumstances, and for the purpose of preventing misapprehension and injustice, I think it proper to communicate herewith a copy of the only report made to me by any director or directors of the Bank of the United States appointed by the Government, since the report of the 19th of August, 1833, which is already in the possession of the Senate. It will be perceived that the paper herewith transmitted contains no information whatever as to the discounting of notes or bills of exchange for the account and benefit of the member of the Senate named in their resolution, nor have I at any time received from the Government directors any report purporting to give any such information.

ANDREW JACKSON.

WASHINGTON, *January 29, 1835.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report* from the Secretary of State, upon the subject of a resolution of the 22d instant, which was referred to that officer, together with the papers referred to in the said report.

ANDREW JACKSON.

*Relating to Commerce with Cuba and Puerto Rico.

WASHINGTON, *January 30, 1835.*

To the House of Representatives of the United States:

With reference to the claim of the granddaughters of the Marshal de Rochambeau, and in addition to the papers formerly communicated relating to the same subject, I now transmit to the House of Representatives, for their consideration, a memorial to the Congress of the United States from the Countess d'Ambrugeac and the Marquise de la Gorée, together with the letter which accompanied it. Translations of these documents are also sent.

ANDREW JACKSON.

WASHINGTON, *February 6, 1835.*

To the House of Representatives:

I submit to Congress a report from the Secretary of War, containing the evidence of certain claims to reservations under the fourteenth article of the treaty of 1830 with the Choctaws, which the locating agent has reserved from sale in conformity with instructions from the President, who did not consider himself authorized to direct their location.

Should Congress consider the claims just, it will be proper to pass a law authorizing their location, or satisfying them in some other way.

ANDREW JACKSON.

WASHINGTON, *February 6, 1835.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, accompanied with extracts from certain dispatches received from the minister of the United States at Paris, which are communicated in compliance with a resolution of the House of the 31st ultimo. Being of opinion that the residue of the dispatches of that minister can not at present be laid before the House consistently with the public interest, I decline transmitting them. In doing so, however, I deem proper to state that whenever any communication shall be received exhibiting any change in the condition of the business referred to in the resolution information will be promptly transmitted to Congress.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, February 5, 1835.

THE PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 31st ultimo, requesting the President "to communicate to that House, if not incompatible with the public interest, any correspondence with the Government of France and any dispatches received from the minister of the United States at Paris, not hitherto communicated to the House, in relation to the failure of

the French Government to carry into effect any stipulation of the treaty of the 4th day of July, 1831," has the honor to report to the President that as far as is known to the Department no correspondence has taken place with the Government of France since that communicated to the House on the 27th December last. The Secretary is not aware that the dispatches received from the minister of the United States at Paris present any material fact which does not appear in the correspondence already transmitted. He nevertheless incloses so much of those dispatches written subsequently to the commencement of the present session of the French Chambers as may serve to shew the state of the business to which they relate since that time, and also that portion of an early dispatch which contains the substance of the assurances made to him by His Majesty the King of the French at a formal audience granted to him for the purpose of presenting his credentials, and he submits for the President's consideration whether the residue can consistently with the public interest be now laid before the House.

JOHN FORSYTH.

Mr. Livingston to the Secretary of State of the United States.

[Extracts.]

PARIS, *October 4, 1833.*

SIR: On Monday I presented my letter of credence to the King, on which occasion I made the address to him a copy of which is inclosed.

* * * * * * *

His answer was long and earnest. I can not pretend to give you the words of it, but in substance it was a warm expression of his good feeling toward the United States for the hospitality he had received there, etc. * * * "As to the convention," he said, "assure your Government that unavoidable circumstances alone prevented its immediate execution, but it will be faithfully performed. Assure your Government of this," he repeated, "the necessary laws will be passed at the next meeting of the Chambers. I tell you this not only as King, but as an individual whose promise will be fulfilled."

Mr. Livingston to the Secretary of State.

[Extracts.]

PARIS, *November 22, 1834.*

* * * * * * *

I do not hope for any decision on our affairs before the middle of January. One motive for delay is an expectation that the message of the President may arrive before the discussion, and that it may contain something to show a strong national feeling on the subject. *This is not mere conjecture; I know the fact.* And I repeat now from a full knowledge of the case what I have more than once stated in my former dispatches as my firm persuasion, that the moderate tone taken by our Government when the rejection was first known was attributed by some to indifference or to a conviction on the part of the President that he would not be supported in any strong measure by the people, and by others to a consciousness that the convention had given us more than we were entitled to ask.

* * * * * * *

I saw last night an influential member of the Chamber, who told me that, * * * and that the King had spoken of our affairs and appeared extremely anxious to secure the passage of the law. I mention this as one of the many circumstances which, independent of official assurances, convince me that the King is sincere, and now I have no doubt of the sincerity of his cabinet. From all this you may imagine the anxiety I shall feel for the arrival of the President's message. On its tone will

depend very much, not only the payment of our claims, but our national reputation for energy. I have no doubt it will be such as to attain both of these important objects.

Mr. Livingston to Mr. Forsyth.

[Extract.]

PARIS, *December 6, 1834.*

* * * * * * *

The Chambers were convened on the 1st instant under very exciting circumstances, the ministers individually and the papers supposed to speak their language having previously announced a design to enter into a full explanation of their conduct, to answer all interrogations, and place their continuance in office on the question of approval by the Chambers of their measures.

This, as you will see by the papers, they have frankly and explicitly done, and after a warm debate of two days, which has just closed, they have gained a decided victory. This gives them confidence, permanence, and, I hope, influence enough to carry the treaty. I shall now urge the presentation of the law at as early a day as possible, and although I do not yet feel very certain of success, my hopes of it are naturally much increased by the vote of this evening. The conversations I have had with the King and with all the ministers convince me that now they are perfectly in earnest and united on the question, and that it will be urged with zeal and ability.

Many of the deputies, too, with whom I have entered into explanations on the subject, seem now convinced that the interest as well as the honor of the nation requires the fulfillment of their engagements. This gives me hopes that the endeavors I shall continue to make without ceasing until the question is decided may be successful.

The intimation I have conceived myself authorized to make of the serious consequences that may be expected from another rejection of the law, and of the firm determination of our Government to admit of no reduction or change in the treaty, I think has had an effect. On the whole, I repeat that without being at all confident I now entertain better hopes than I have for some time past done.

Mr. Livingston to the Secretary of State.

[Extracts.]

PARIS, *December 22, 1834.*

Hon. JOHN FORSYTH,
Secretary of State, etc.

SIR: Our diplomatic relations with this Government are on the most extraordinary footing. With the executive branch I have little to discuss, for they agree with me in every material point on the subject of the treaty. With the legislature, where the great difficulty arises, I can have no official communication. Yet, deeply impressed with the importance to my fellow-citizens of securing the indemnity to which they are entitled, and to the country of enforcing the execution of engagements solemnly made to it, as well as of preventing a rupture, which must infallibly follow the final refusal to execute the convention, I have felt it a duty to use every proper endeavor to avoid this evil. This has been and continues to be a subject of much embarrassment.

* * * * * * *

My last dispatch (6th December) was written immediately after the vote of the Chamber of Deputies had, as it was thought, secured a majority to the administration, and it naturally excited hopes which that supposition was calculated to inspire. I soon found, however, both from the tone of the administration press and from the language of the King and all the ministers with whom I conferred on the subject, that they were not willing to put their popularity to the test on our question.

It will not be made one on the determination of which the ministers are willing to risk their portfolios. The very next day after the debate the ministerial gazette (Les Débats) declared that, satisfied with the approbation the Chamber had given to their system, it was at perfect liberty to exercise its discretion as to particular measures which do not form *an essential part of that system;* and the communications I subsequently had with the King and the ministers confirmed me in the opinion that the law for executing our convention was to be considered as one of those free questions. I combated this opinion, and asked whether the faithful observance of treaties was not *an essential part of their* system, and, if so, whether it did not come within their rule. Without answering this argument, I was told of the endeavors they were making to secure the passage of the law by preparing the statement* mentioned in my former dispatch. This, it is said, is nearly finished, and from what I know of its tenor it will produce all the effect that truth and justice can be expected to have on prejudice and party spirit.

The decision not to make it a cabinet question will not be without its favorable operation; * * * some of the leaders of the opposition, who may not be willing to take the responsibility of a rupture between the two nations by breaking the treaty, when they are convinced that instead of forcing the ministers to resign they will themselves only incur the odium of having caused the national breach. In this view of the subject I shall be much aided if by the tenor of the President's message it is seen that we shall resent the breach of faith they contemplate.

It is on all hands conceded that it would be imprudent to press the decision before the next month, when the exposition will be printed and laid before the Chambers.

* * * * * * *

On the whole, I am far from being sanguine of success in the endeavors which I shall not cease to make for the accomplishment of this important object of my mission, and I expect with some solicitude the instructions for my conduct in the probable case of a rejection of the law.

I have the honor to be, etc., EDW. LIVINGSTON.

WASHINGTON, *February 10, 1835.*

To the Senate of the United States:

I have received the resolution of the Senate of the 2d instant, requesting me to communicate copies of the charges, if any, which may have been made to me against the official conduct of Gideon Fitz, late surveyor-general south of the State of Tennessee, which caused his removal from office.

The resolution is preceded by a preamble which alleges as reasons for this request that the causes which may have produced the removal of the officer referred to may contain information necessary to the action of the Senate on the nomination of his successor and to the investigation now in progress respecting the frauds in the sales of the public lands.

This is another of those calls for information made upon me by the Senate which have, in my judgment, either related to the subjects exclusively belonging to the executive department or otherwise encroached on the constitutional powers of the Executive. Without conceding the right of the Senate to make either of these requests, I have yet, for the various reasons heretofore assigned in my several replies, deemed it expedient

*A memoir to be laid before the commission which may be appointed to examine the law intended to contain all the arguments and facts by which it is to be supported.

to comply with several of them. It is now, however, my solemn conviction that I ought no longer, from any motive nor in any degree, to yield to these unconstitutional demands. Their continued repetition imposes on me, as the representative and trustee of the American people, the painful but imperious duty of resisting to the utmost any further encroachment on the rights of the Executive. This course is especially due to the present resolution. The President in cases of this nature possesses the exclusive power of removal from office, and, under the sanctions of his official oath and of his liability to impeachment, he is bound to exercise it whenever the public welfare shall require. If, on the other hand, from corrupt motives he abuses this power, he is exposed to the same responsibilities. On no principle known to our institutions can he be required to account for the manner in which he discharges this portion of his public duties, save only in the mode and under the forms prescribed by the Constitution. The suggestion that the charges a copy of which is requested by the Senate "may contain information necessary to their action" on a nomination now before them can not vary the principle. There is no necessary connection between the two subjects, and even if there were the Senate have no right to call for that portion of these matters which appertains to the separate and independent action of the Executive. The intimation that these charges may also be necessary "to the investigation now in progress respecting frauds in the sales of public lands" is still more insufficient to authorize the present call. Those investigations were instituted and have thus far been conducted by the Senate in their legislative capacity, and with the view, it is presumed, to some legislative action. If the President has in his possession any information on the subject of such frauds, it is his duty to communicate it to Congress, and it may undoubtedly be called for by either House sitting in its legislative capacity, though even from such a call all matters properly belonging to the exclusive duties of the President must of necessity be exempted.

The resolution now before me purports to have been passed in executive session, and I am bound to presume that if the information requested therein should be communicated it would be applied in secret session to "the investigation of frauds in the sales of the public lands." But, if so applied, the distinction between the executive and legislative functions of the Senate would not only be destroyed, but the citizen whose conduct is impeached would lose one of his valuable securities, that which is afforded by a public investigation in the presence of his accusers and of the witnesses against him. Besides, a compliance with the present resolution would in all probability subject the conduct and motives of the President in the case of Mr. Fitz to the review of the Senate when not sitting as judges on an impeachment, and even if this consequence should not occur in the present case the compliance of the Executive might hereafter be quoted as a precedent for similar and repeated applications.

Such a result, if acquiesced in, would ultimately subject the independent constitutional action of the Executive in a matter of great national concernment to the domination and control of the Senate; if not acquiesced in, it would lead to collisions between coordinate branches of the Government, well calculated to expose the parties to indignity and reproach and to inflict on the public interest serious and lasting mischief.

I therefore decline a compliance with so much of the resolution of the Senate as requests "copies of the charges, if any," in relation to Mr. Fitz, and in doing so must be distinctly understood as neither affirming nor denying that any such charges were made; but as the Senate may lawfully call upon the President for information properly appertaining to nominations submitted to them, I have the honor, in this respect, to reply that I have none to give them in the case of the person nominated as successor to Mr. Fitz, except that I believe him, from sources entitled to the highest credit, to be well qualified in abilities and character to discharge the duties of the office in question.

ANDREW JACKSON.

WASHINGTON, *February 14, 1835.*

To the Senate of the United States:

I beg leave to call the attention of Congress to the accompanying communication from the Secretary of War, from which it appears that the "act for the relief of Benedict Alford and Robert Brush," although signed and duly certified by the proper officers as having passed the two Houses of Congress at their last session, had not in fact obtained the sanction of that body when it was presented to the President for his approval.

Under these circumstances it is thought that the subject is worthy of the consideration of Congress.

ANDREW JACKSON.

WASHINGTON, *February 16, 1835.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, for their consideration, a petition to the Congress of the United States from Adelaide de Grasse de Grochamps, one of the surviving daughters of the Count de Grasse, together with the letter which accompanied it. Translations of these papers are also sent.

ANDREW JACKSON.

WASHINGTON, *February 18, 1835.*

To the House of Representatives:

Since my message a few days ago relating to Choctaw reservations other documents on the same subject have been received from the locating agent, which are mentioned in the accompanying report of the Secretary of War, and which I also transmit herewith for the information and consideration of Congress.

ANDREW JACKSON.

WASHINGTON, *February 21, 1835.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate as to the ratification of the same, four treaties for Potawatamie reservations, concluded by General Marshall in December last.

ANDREW JACKSON.

WASHINGTON, *February 25, 1835.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government in Paris or in Washington, except a note of Mr. Sérurier, which, for the reasons stated in the report, is not now communicated.

It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation and return to the United States if an appropriation for the fulfillment of the convention shall be refused by the Chambers.

The subject being now in all its present aspects before Congress, whose right it is to decide what measures are to be pursued in that event, I deem it unnecessary to make further recommendation, being confident that on their part everything will be done to maintain the rights and honor of the country which the occasion requires.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, February 25, 1835.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State has the honor to submit to the President copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government in Paris or in Washington, except the last note of M. Sérurier, which it has been considered necessary to submit to the Government of France before it is made public or answered, that it may be ascertained whether some exceptionable expressions are to be taken as the result of a settled purpose in that Government or as the mere ebullition of the minister's indiscretion.

JOHN FORSYTH.

Mr. Livingston to Mr. Forsyth.

No. 70.

LEGATION OF THE UNITED STATES,
Paris, January 11, 1835.

Hon. JOHN FORSYTH.

SIR: Believing that it would be important for me to receive the dispatches you might think it necessary to send with the President's message, I ventured on

incurring the expense of a courier to bring it to me as soon as it should arrive at Havre. Mr. Beasley accordingly, on the arrival of the *Sully*, dispatched a messenger with my letters received by that vessel, and a New York newspaper containing the message, but without any communication from the Department, so that your No. 43 is still the last which I have to acknowledge. The courier arrived at 2 o'clock on the morning of the 8th. Other copies were the same morning received by the estafette, and the contents, being soon known, caused the greatest sensation, which as yet is, I think, unfavorable—the few members of the opposition who would have voted for the execution of the treaty now declaring that they can not do it under the threat of reprisals, and the great body of that party making use of the effect it has on national pride to gain proselytes from the ministerial side of the Chamber, in which I have no doubt they have in a great degree for the time succeeded.

The ministers are aware of this, and will not, I think, immediately urge the consideration of the law, as I have no doubt they were prepared to do when the message arrived. Should Congress propose commercial restrictions or determine to wait to the end of the session before they act, this will be considered as a vote against reprisals, and then the law will be proposed and I think carried. But I ought not to conceal from you that the excitement is at present very great; that their pride is deeply wounded by what they call an attempt to coerce them by threats to the payment of a sum which they persist, in opposition to the plainest proof, in declaring not to be due. This feeling is fostered by the language of our opposition papers, particularly by the Intelligencer and New York Courier, extracts from which have been sent on by Americans, declaring them to be the sentiments of a majority of the people. These, as you will see, are translated and republished here, with such comments as they might have been expected and undoubtedly were intended to produce, and if hostilities should take place between the two countries those persons may flatter themselves with having the credit of a great share in producing them. The only letter I have received from home is from one of my family. This, to my great satisfaction, informs me that the President will be supported by all parties, and I am told that this is the language of some of the opposition papers; but as they are not sent to the legation I can not tell in what degree this support can be depended upon. Whether the energetic language of the message will be made the pretext with some or be the cause with others among the deputies for rejecting the law can not, of course, be yet conjectured with any great degree of probability, but I think it will have a good effect. It has certainly raised us in the estimation of other powers, if I may judge from the demeanor of their representatives here, and my own opinion is that as soon as the first excitement subsides it will operate favorably on the counsels of France. Already some of the journals begin to change their tone, and I am much mistaken if the opposition here, finding that we are in earnest, will incur the responsibility of a rupture between the two nations, which they see must take place if the treaty be rejected. The funds experienced a considerable fall as soon as the message was known, and insurance rose. In short, it has made them feel the commercial as well as political importance of our country.

The Comte de Rigny had requested me to communicate the message to him as soon as it should be received. This I promised to do, and accordingly on the morning of the 8th, to avoid any mistake as to the mode of making the communication, I carried the paper to him myself, telling him that I had received a gazette containing a paper said to be the message of the President, which I delivered to him in compliance with my promise; but I requested him to observe that it was not an authentic paper, nor was it delivered in pursuance of instructions, nor in my official character. I thought it, for obvious reasons, necessary to be very explicit on this point, and he properly understood me, as he had not yet read the message. Little more passed at the interview, and I thought of it, but not immediately, to seek another. I shall

probably, however, see him to-night, and shall then appoint some time for a further conference, of which I will by this same packet give you the result.

Mr. Middleton has just arrived from Madrid with the inscriptions for the Spanish indemnity and a draft for the first payment of interest. His instructions are, he says, to leave them with me, but as I have heard nothing from the Department I shall advise the depositing them with Rothschild to wait the directions of the President.

The importance of obtaining the earliest intelligence at this crisis of our affairs with France has induced me to direct that my letters should be sent by the estafette from Havre, and that if any important advice should be received at such an hour in the day as would give a courier an advance of some hours over the estafette, that a special messenger should be dispatched with it.

I have the honor to be, very respectfully, sir, your most obedient servant,

EDW. LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

No. 71.

LEGATION OF THE UNITED STATES,
Paris, January 14, 1835.

Hon. JOHN FORSYTH.

SIR: The intended conference with the minister for foreign affairs of which I spoke to you in my last (No. 70) took place yesterday morning. I began it by expressing my regret that a communication from the President to Congress had been so much misrepresented in that part which related to France as to be construed into a measure of hostilities. It was, I said, part of a consultation between different members of our Government as to the proper course to be pursued if the legislative body of France should persevere in refusing to provide the means of complying with a treaty formally made; that the President, as was his duty, stated the facts truly and in moderate language, without any irritating comment; that in further pursuance of his official duty he declared the different modes of redress which the law of nations permitted in order to avoid hostilities, expressing, as he ought to do, his reasons for preferring one of them; that in all this there was nothing addressed to the French nation; and I likened it to a proceeding well known in the French law (a family council in which the concerns and interests are discussed), but of which in our case the debates were necessarily public; that a further elucidation of the nature of this document might be drawn from the circumstance that no instructions had been given to communicate it to the French Government, and that if a gazette containing it had been delivered it was at the request of his excellency, and expressly declared to be a private communication, not an official one. I further stated that I made this communication without instructions, merely to counteract misapprehensions and from an earnest desire to rectify errors which might have serious consequences. I added that it was very unfortunate that an earlier call of the Chambers had not been made in consequence of Mr. Sérurier's promise, the noncompliance with which was of a nature to cause serious disquietude with the Government of the United States. I found immediately that this was the part of the message that had most seriously affected the King, for Comte de Rigny immediately took up the argument, endeavoring to show that the Government had acted in good faith, relying principally on the danger of a second rejection had the Chambers been called at an early day expressly for this object. I replied by repeating that the declaration made by Mr. Sérurier was a positive and formal one, and that it had produced a forbearance on the part of the President to lay the state of the case before Congress. In this conference, which was a long one, we both regretted that any misunderstanding should interrupt the good

intelligence of two nations having so many reasons to preserve it and so few of conflicting interests. He told me (what I knew before) that the exposition was prepared, and that the law would have been presented the day after that on which the message was received. He showed me the document, read part of it to me, and expressed regret that the language of the message prevented it being sent in. I said that I hoped the excitement would soon subside and give place to better feelings, in which I thought he joined with much sincerity. It is perhaps necessary to add that an allusion was made by me to the change of ministry in November and the reinstatement of the present ministers, which I told him I had considered as a most favorable occurrence, and that I had so expressed myself in my communications to you, but that this circumstance was unknown at Washington when the message was delivered; and I added that the hopes of success held out in the communication to which I referred and the assurances it contained that the ministers would zealously urge the adoption of the law might probably have imparted the same hopes to the President and have induced some change in the measure he had recommended, but that the formation of the Dupin ministry, if known, must have had a very bad effect on the President's mind, as many of that ministry were known to be hostile to the treaty.

When I took leave the minister requested me to reflect on the propriety of presenting a note of our conversation, which he said should be formal or otherwise, as I should desire. I told him I would do so, and inform him on the next morning by 11 o'clock. We parted, as I thought, on friendly terms, and in the evening, meeting him at the Austrian ambassador's, I told him that on reflection I had determined to wait the arrival of the packet of the 16th before I gave the note, to which he made no objection. After all this you may judge of my surprise when last night about 10 o'clock I received the letter copy of which is inclosed, and which necessarily closes my mission. In my reply I shall take care to throw the responsibility of breaking up the diplomatic intercourse between the countries where it ought to rest, and will not fail to expose the misstatements which you will observe are contained in the minister's note, both as respects my Government and myself; but the late hour at which I received the Comte de Rigny's note and the almost immediate departure of the packet may prevent my sending you a copy of my communication to him, which I shall use the utmost diligence in preparing.

The law, it is said, will be presented to-day, and I have very little doubt that it will pass. The ministerial phalanx, reenforced by those of the opposition (and they are not a few) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, will be sufficient to carry the vote. The recall of Sérurier and the notice to me are measures which are resorted to to save the pride of the Government and the nation.

I have the honor to be, very respectfully, sir, your most obedient servant,

EDW. LIVINGSTON.

From Count de Rigny to Mr. Livingston.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Paris, January 13, 1835.

Hon. EDWARD LIVINGSTON, etc.

SIR: You have well comprehended the nature of the impressions produced upon the King's Government by the message which His Excellency President Jackson addressed on the 1st of December to the Congress of the United States. Nothing certainly could have prepared us for it. Even though the complaints expressed in it had been as just as they are in reality unjust, we should still have had a right to be astonished on receiving the first communication of them in such a form.

In the explanations which I am now about to make I can not enter upon the consideration of any facts other than those occurring subsequently to the vote by which the last Chamber of Deputies refused the appropriation necessary for the payment stipulated in the treaty of July 4. However this vote may have been regarded by the Government of the United States, it is evident that by accepting (*accueillant*) the promise of the King's Government to bring on a second deliberation before the new legislature it had in fact postponed all discussion and all recrimination on the subject of this first refusal until another decision should have either repealed or confirmed it. This postponement therefore sets aside for the time all difficulties arising either justly or unjustly from the rejection of the treaty or from the delay by which it had been preceded; and although the message begins by enumerating them, I think proper, in order to confine myself to the matter in question, only to reply to the imputations made on account of subsequent occurrences.

The reproaches which President Jackson considers himself authorized to address to France may be summed up in a few words. The King's Government promised to present the treaty of July 4 again to the Chambers as soon as they could be assembled. They were assembled on the 31st of July, and the treaty has not yet been presented to them. Such is exactly the whole substance of the President's argumentation, and nothing can be easier than to refute it.

I may first observe that the assembling of the Chambers on the 31st of July, in obedience to a legal prescription that they should be called together within a stated period after a dissolution of the Chamber of Deputies, was nothing more than a piece of formality, and if President Jackson had attended to the internal mechanism of our administrative system he would have been convinced that the session of 1835 could not have really commenced at that session of 1834. Everyone knew beforehand that after a fortnight spent in the forms of installation it would be adjourned.

The President of the United States considers that the bill relative to the American claims should have been presented to the Chamber within that fortnight. I can not understand the propriety of this reproach. The bill was explicitly announced in the speech from the throne on the very day on which the Chambers met. This was all that was required to make known the opinion and design of the Government, and to prevent that species of moral proscription to which absolute silence would have given authority. With regard to the mere act of presentation so long before discussion could possibly take place, this proceeding would have been so unusual and extraordinary that it might have increased the unfavorable prepossessions of the public, already too numerous, without producing any real advantage in return. Above all, the result which the President had in view, of being able to announce the new vote of the Chamber of Deputies in his message, would not have been attained.

President Jackson expresses his regrets that your solicitations (*instances*) had not determined the King's Government to call the Chambers together at an earlier day. How soon soever they may have been called, the simplest calculation will serve to shew that the discussions in our Chambers could not have been known in the United States at the opening of Congress, and the President's regret is therefore unfounded.

Moreover, the same obstacles and the same administrative reasons which rendered a real session impossible during the months of July or August were almost equally opposed to its taking place before the last weeks of the year. The head of a government like that of the United States should be able to comprehend more clearly than anyone else those moral impossibilities which arise from the fixed character of the principles of a constitutional régime, and to see that in such a system the administration is subject to constant and regular forms, from which no special interest, however important, can authorize a deviation.

It is, then, evident that far from meriting the reproach of failing to comply with its engagements, far from having deferred, either voluntarily or from negligence,

the accomplishment of its promises, the King's Government, ever occupied in the design of fulfilling them, was only arrested for a moment by insurmountable obstacles. This appears from the explanations now given, and I must add that the greater part of them have already been presented by M. Sérurier to the Government of the United States, which by its silence seemed to acknowledge their full value.

It is worthy of remark that on the 1st of December, the day on which President Jackson signed the message to Congress, and remarked with severity that nearly a month was to elapse before the assembling of the Chambers, they were in reality assembled in virtue of a royal ordinance calling them together at a period earlier than that first proposed. Their assemblage was not indeed immediately followed by the presentment of the bill relative to the American claims, but you, sir, know better than any other person the causes of this new delay. You yourself requested us not to endanger the success of this important affair by mingling its discussion with debates of a different nature, as their mere coincidence might have the effect of bringing other influences into play than those by which it should naturally be governed. By this request, sir, you clearly shewed that you had with your judicious spirit correctly appreciated the situation of things and the means of advancing the cause which you were called to defend. And permit me to add that the course which you have thought proper to adopt on this point is the best justification of that which we ourselves have for some months been pursuing in obedience to the necessities inherent in our political organization, and in order to insure as far as lies in our power the success of the new attempt which we were preparing to make in the Chamber.

However this may be, the King's Government, freed from the internal difficulties the force of which you have yourself so formally admitted, was preparing to present the bill for giving sanction to the treaty of July 4, when the strange message of December 1 came and obliged it again to deliberate on the course which it should pursue.

The King's Government, though deeply wounded by imputations to which I will not give a name, having demonstrated their purely gratuitous character, still does not wish to retreat absolutely from a determination already taken in a spirit of good faith and justice. How great soever may be the difficulties caused by the provocation which President Jackson has given, and by the irritation which it has produced in the public mind, it will ask the Chambers for an appropriation of twenty-five millions in order to meet the engagements of July 4; but at the same time His Majesty has considered it due to his own dignity no longer to leave his minister exposed to hear language so offensive to France. M. Sérurier will receive orders to return to France.

Such, sir, are the determinations of which I am charged immediately to inform you, in order that you may make them known to the Government of the United States and that you may yourself take those measures which may seem to you to be the natural consequences of this communication. The passports which you may desire are therefore at your disposition.

Accept, sir, the assurance of my high consideration.

DE RIGNY.

Mr. Livingston to Mr. Forsyth.

No. 72.

LEGATION OF THE UNITED STATES,
Paris, January 15, 1835.

SIR: Having determined to send Mr. Brown, one of the gentlemen attached to the legation, to Havre with my dispatches, I have just time to add to them the copy of the note which I have sent to the Comte de Rigny. The course indicated by it was

adopted after the best reflections I could give to the subject, and I hope will meet the approbation of the President. My first impressions were that I ought to follow my inclinations, demand my passports, and leave the Kingdom. This would at once have freed me from a situation extremely painful and embarrassing; but a closer attention convinced me that by so doing I should give to the French Government the advantage they expect to derive from the equivocal terms of their note, which, as occasions might serve, they might represent as a suggestion only, leaving upon me the responsibility of breaking up the diplomatic intercourse between the two countries if I demanded my passports; or, if I did not, and they found the course convenient, they might call it an order to depart which I had not complied with. Baron Rothschild also called on me yesterday, saying that he had conversed with the Comte de Rigny, who assured him that the note was not intended as a notice to depart, and that he would be glad to see me on the subject. I answered that I could have no verbal explanations on the subject, to which he replied that he had suggested the writing a note on the subject, but that the minister had declined any written communication. Rothschild added that he had made an appointment with the Comte de Rigny for 6 o'clock, and would see me again at night, and he called to say that there had been a misunderstanding as to the time of appointment, and that he had not seen Mr. de Rigny, but would see him this morning. But in the meantime I determined on sending my note, not only for the reasons contained in it, which appeared to me conclusive, but because I found that the course was the correct one in diplomacy, and that to ask for a passport merely because the Government near which the minister was accredited had suggested it would be considered as committing the dignity of his own; that the universal practice in such cases was to wait the order to depart, and not by a voluntary demand of passports exonerate the foreign Government from the odium and responsibility of so violent a measure. My note will force them to take their ground. If the answer is that they intended only a suggestion which I may follow or not, as I choose, I will remain, but keep aloof until I receive your directions. If, on the other hand, I am told to depart, I will retire to Holland or England, and there wait the President's orders. In either case the derangement will be extremely expensive and my situation very disagreeable. The law was not presented yesterday, but will be to-day, and I have been informed that it is to be introduced by an exposé throwing all the blame of the present state of things on Mr. Sérurier and me for not truly representing the opinions of our respective Governments. They may treat their own minister as they please, but they shall not, without exposure, presume to judge of my conduct and make me the scapegoat for their sins. The truth is, they are sadly embarrassed. If the law should be rejected, I should not be surprised if they anticipated our reprisals by the seizure of our vessels in port or the attack of our ships in the Mediterranean with a superior force. I shall without delay inform Commodore Patterson of the state of things, that he may be on his guard, having already sent him a copy of the message.

I have the honor to be, sir, your obedient servant,

EDW. LIVINGSTON.

Mr. Livingston to the Count de Rigny.

LEGATION OF THE UNITED STATES OF AMERICA,
Paris, January 14, 1835.

His Excellency COUNT DE RIGNY, etc.:

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, received late last night the note of His Excellency the Count de Rigny, minister secretary of state for foreign affairs, dated the 13th instant.

The undersigned sees with great surprise as well as regret that a communication made by one branch of the Government of the United States to another, not addressed

to that of His Majesty the King of the French, nor even communicated to it, is alleged as the motive for a measure which not only increases actual subjects of irritation, but which necessarily cuts off all the usual means of restoring harmony to two nations who have the same interests, commercial and political, to unite them, and none but factitious subjects for collision.

The grave matter in the body of his excellency's note demands and will receive a full answer. It is to the concluding part that his attention is now requested. The undersigned, after being informed that it is the intention of His Majesty's Government to recall Mr. Sérurier, is told "that this information is given to the undersigned in order that he may communicate it to his Government and in order that he may himself take those measures which may appear to him the natural result of that communication, and that in consequence thereof the passports which he might require are at his disposition." This phrase may be considered as an intimation of the course which, in the opinion of His Majesty's Government, the undersigned ought to pursue as the natural result of Mr. Sérurier's recall, or it may be construed, as it seems to have been by the public, into a direction by His Majesty's Government to the minister of the United States to cease his functions and leave the country.

It is necessary in a matter involving such grave consequences that there should be no misunderstanding, the two categories demanding a line of conduct entirely different the one from the other.

In the first, he can take no directions or follow no suggestions but those given by his own Government, which he has been sent here to represent. The recall of the minister of France on the grounds alleged could not have been anticipated. Of course no instructions have been given to the undersigned on the subject, and he will not take upon himself the responsibility which he would incur by a voluntary demand of his passports, although made on the suggestion of His Majesty's Government. If this be the sense of the passage in question, the duty of the undersigned can not be mistaken. He will transmit the note of His Excellency the Comte de Rigny to his Government and wait its instructions. Widely different will be his conduct if he is informed that the conclusion of the Comte de Rigny's note is intended as a direction that he should quit the French territory. This he will without delay comply with on being so informed and on receiving the passports necessary for his protection until he shall leave the Kingdom.

Leaving the responsibility of this measure where it ought to rest, the undersigned has the honor to renew to His Excellency the Comte de Rigny the assurance, etc.

EDW'D LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

No. 73.

LEGATION OF THE UNITED STATES,
Paris, January 16, 1835.

Hon. J. FORSYTH, etc.

SIR: The wind being unfavorable, I hope that this letter may arrive in time for the packet.

By the inclosed semiofficial paper you will see that a law has been presented for effecting the payment of 25,000,000 francs capital to the United States, for which the budgets of the six years next succeeding this are affected, and with a condition annexed that our Government shall have done nothing to affect the interests of France. It would seem from this that they mean to pay nothing but the capital, and that only in six years from this time; but as the law refers to the treaty for execution of which it provides, I presume the intention of the ministry can not be to make any change in it, and that the phraseology is in conformity to their usual forms.

At any rate, I shall, notwithstanding the situation in which I am placed in relation to this Government, endeavor to obtain some explanation on this point.

The packet of the 16th arrived, but to my great regret brought me no dispatches, and having received none subsequent to your No. 43, and that not giving me any indication of the conduct that would be expected from me in the event of such measures as might have been expected on the arrival of the President's message, I have been left altogether to the guidance of my own sense of duty under circumstances of much difficulty. I have endeavored to shape my course through them in such a way as to maintain the dignity of my Government and preserve peace, and, if possible, restore the good understanding that existed between the two countries. From the view of the motives of the President's message contained in the answer of the Globe to the article in the Intelligencer I am happy in believing that the representations I have made to the Comte de Rigny, as detailed in my No. 71, are those entertained by the Government, and that I have not, in this at least, gone further than it would have directed me to do had I been favored with your instructions.

I have no answer yet to my note to the Comte de Rigny, a copy of which was sent by my last dispatch, nor can I form any new conjecture as to the event.

The inclosed paper contains a notice that I had been received by the King. This is unfounded, and shall be contradicted. I shall not in the present state of things make my appearance at court, and only in cases where it is indispensable have any communication with the minister.

I have the honor to be, with great respect, your obedient, humble servant,

EDW. LIVINGSTON.

Mr. Forsyth to Mr. Livingston.

DEPARTMENT OF STATE,
Washington, February 13, 1835.

EDWARD LIVINGSTON, Esq.

SIR: To relieve the anxiety expressed in your late communication to the Department of State as to the course to be pursued in the event of the rejection by the Chamber of Deputies of the law to appropriate funds to carry into effect the treaty of 4th July, 1831, I am directed by the President to inform you that if Congress shall adjourn without prescribing some definite course of action, as soon as it is known here that the law of appropriation has been again rejected by the French Chamber a frigate will be immediately dispatched to Havre to bring you back to the United States, with such instructions as the state of the question may then render necessary and proper.

I am, sir, etc., JOHN FORSYTH.

Mr. Forsyth to Mr. Livingston.

No. 49.

DEPARTMENT OF STATE,
Washington, February 24, 1835.

EDWARD LIVINGSTON, Esq.,
Envoy Extraordinary and Minister Plenipotentiary.

SIR: Your dispatches to No. 73 have been received at the Department—No. 73 by yesterday's mail. Nos. 70, 71, 72 were delayed until this morning by the mismanagement of the young man to whose care they were committed by the captain of the packet *Sully* in New York.

In the very unexpected and unpleasant position in which you have been placed I am directed by the President to say to you that he approves of your conduct as well

becoming the representative of a Government ever slow to manifest resentment and eager only to fulfill the obligations of justice and good faith, but at the same time to inform you that he should have felt no surprise and certainly would have expressed no displeasure had you yielded to the impulse of national pride and at once have quitted France, with the whole legation, on the receipt of the Count de Rigny's note of the 13th of January. M. Sérurier, having received his orders, has terminated his ministerial career by the transmission of a note, a copy of which and of all the correspondence had with him is herewith inclosed. M. Pageot has been presented to me as charged with the affairs of France on the recall of the minister.

The note of the Count de Rigny having no doubt, according to your intention, received from you an appropriate reply, it is only necessary for me now to say that the Count is entirely mistaken in supposing that any explanations have been given here by M. Sérurier of the causes that have led to the disregard or postponement of the engagements entered into by France after the rejection of the appropriation by the last Chamber of Deputies, and of which he was the organ. No written communication whatever has been made on the subject, and none verbally made of sufficient importance to be recorded, a silence with regard to which could have been justly the foundation of any inference that the President was satisfied that the course of the French administration was either reconcilable to the assurances given him or necessary to secure a majority of the Chamber of Deputies.

The last note of M. Sérurier will be the subject of separate instructions, which will be immediately prepared and forwarded to you.

In the present position of our relations with France the President directs that if the appropriation to execute the treaty shall be or shall have been rejected by the French legislature, you forthwith quit the territory of France, with all the legation, and return to the United States by the ship of war which shall be in readiness at Havre to bring you back to your own country. If the appropriation be made, you may retire to England or Holland, leaving Mr. Barton in charge of affairs. Notify the Department of the place selected as your temporary residence and await further instructions.

I am, sir, your obedient servant,

JOHN FORSYTH.

Mr. Sérurier to Mr. Forsyth.

[Translation.]

WASHINGTON, *February 23, 1835.*

Hon. JOHN FORSYTH,

Secretary of State of the United States.

SIR: I have just received orders from my Government which make it necessary for me to demand of you an immediate audience. I therefore request you to name the hour at which it will suit you to receive me at the Department of State.

I have the honor to be, with great consideration, sir, your obedient, humble servant,

SÉRURIER.

Mr. Forsyth to Mr. Sérurier.

DEPARTMENT OF STATE,
Washington, February 23, 1835.

M. SÉRURIER,

Envoy Extraordinary, etc., of the King of the French:

Official information having been received by the President of the recall of Mr. Sérurier by his Government, and the papers of the morning having announced the arrival of a French sloop of war at New York for the supposed object of carrying

him from the United States, the undersigned, Secretary of State of the United States, tenders to Mr. Sérurier all possible facilities in the power of this Government to afford to enable him to comply speedily with the orders he may have received or may receive.

The undersigned avails himself of the occasion to renew to Mr. Sérurier the assurance of his very great consideration.

JOHN FORSYTH.

Mr. Forsyth to Mr. Sérurier.

DEPARTMENT OF STATE,
Washington, February 23, 1835.

The undersigned, Secretary of State of the United States, informs M. Sérurier, in reply to his note of this instant, demanding the indication of an hour for an immediate audience, that he is ready to receive in writing any communication the minister of France desires to have made to the Government of the United States.

The undersigned has the honor to offer M. Sérurier the assurances of his very great consideration,

JOHN FORSYTH.

Mr. Sérurier to Mr. Forsyth.

[Translation.]

WASHINGTON, *February 23, 1835.*

Hon. JOHN FORSYTH,
Secretary of State.

SIR: My object in asking you this morning to name the hour at which it would suit you to receive me was in order that I might, in consequence of my recall as minister of His Majesty near the United States, present and accredit M. Pageot, the first secretary of this legation, as chargé d'affaires of the King. This presentation, which, according to usage, I calculated on making in person, I have the honor, in compliance with the desire expressed to me by you, to make in the form which you appear to prefer.

I thank you, sir, for the facilities which you have been kind enough to afford me in the note preceding that now answered, also of this morning's date, and which crossed the letter in which I demanded an interview.

I have the honor to renew to you, sir, the assurance of my high consideration.

SÉRURIER.

WASHINGTON, *February 28, 1835.*

To the Senate of the United States:

I transmit to the Senate of the United States a report* of the Secretary of State, to whom was referred the resolutions of that body passed on the 2d and 17th days of the present month, together with such portion of the correspondence and instructions requested by the said resolutions as could be transcribed within the time that has elapsed since they were received and as can be communicated without prejudice to the public interest

ANDREW JACKSON.

*Relating to the treaty of indemnity with Spain of February 17, 1834.

VETO MESSAGE.

WASHINGTON, *March 3, 1835.*

To the Senate:

I respectfully return to the Senate, where it originated, the "act to authorize the Secretary of the Treasury to compromise the claims allowed by the commissioners under the treaty with the King of the Two Sicilies, concluded October 14, 1832," without my signature.

The act is, in my judgment, inconsistent with the division of powers in the Constitution of the United States, as it is obviously founded on the assumption that an act of Congress can give power to the Executive or to the head of one of the Departments to negotiate with a foreign government. The debt due by the King of the Two Sicilies will, after the commissioners have made their decision, become the private vested property of the citizens of the United States to whom it may be awarded. Neither the Executive nor the Legislature can properly interfere with it without their consent. With their consent the Executive has competent authority to negotiate about it for them with a foreign government—an authority Congress can not constitutionally abridge or increase.

ANDREW JACKSON.

PROCLAMATION.

[From Statutes at Large (Little, Brown & Co.), Vol. XI, p. 781.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that, upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is hereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise

imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Royal Highness the Grand Duke of Mechlenberg Schwerin, through an official communication of Leon Herckenrath, his consul at Charleston, in the United States, under date of the 13th April, 1835, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the Grand Duchy of Mechlenberg Schwerin upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the Grand Duchy of Mechlenberg Schwerin and the produce, manufactures, or merchandise imported into the United States in the same from the said Grand Duchy or from any other foreign country, the said suspension to take effect from the 13th day of April, 1835, above mentioned, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer.

Given under my hand at the city of Washington, the 28th day of April, A. D. 1835, and of the Independence of the United States the fifty-ninth. [SEAL.]

ANDREW JACKSON.

By the President:

JOHN FORSYTH,

Secretary of State.

SEVENTH ANNUAL MESSAGE.

WASHINGTON, *December 7, 1835.*

Fellow-Citizens of the Senate and House of Representatives:

In the discharge of my official duty the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the

solicitude with which I shall attempt to lay before it the state of our national concerns and the devout hope which I cherish that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest from the past that if true to ourselves there can be no formidable obstacle in the future to its peaceful and uninterrupted pursuit. Yet, in proportion to the disappearance of those apprehensions which attended our weakness, as once contrasted with the power of some of the States of the Old World, should we now be solicitous as to those which belong to the conviction that it is to our own conduct we must look for the preservation of those causes on which depend the excellence and the duration of our happy system of government.

In the example of other systems founded on the will of the people we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the Government or the people of the United States, and that the testimony which our experience thus far holds out to the great human family of the practicability and the blessings of free government will be confirmed in all time to come.

We have but to look at the state of our agriculture, manufactures, and commerce and the unexampled increase of our population to feel the magnitude of the trust committed to us. Never in any former period of our history have we had greater reason than we now have to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards. In every element of national resources and wealth and of individual comfort we witness the most rapid and solid improvements. With no interruptions to this pleasing prospect at home which will not yield to the spirit of harmony and good will that so strikingly pervades the mass of the people in every quarter, amidst all the diversity of interest and pursuits to which they are attached, and with no cause of solicitude in regard to our external affairs which will not, it is hoped, disappear before the principles of simple justice and the forbearance that mark our intercourse with foreign powers, we have every reason to feel proud of our beloved country.

The general state of our foreign relations has not materially changed since my last annual message.

In the settlement of the question of the northeastern boundary little progress has been made. Great Britain has declined acceding to the proposition of the United States, presented in accordance with the resolution of the Senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the Government of Great Britain, which has been invited, I can only repeat the expression of my confidence that, with the strong mutual disposition which I believe exists to make a just arrangement, this perplexing question can be settled with a due regard to the well-founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the northeastern frontier of a character to impress upon all the necessity of a speedy and definitive termination of the dispute. This consideration, added to the desire common to both to relieve the liberal and friendly relations so happily existing between the two countries from all embarrassment, will no doubt have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the Queen's Government will permit the proper attention to the subject of them. That Government has, I am happy to inform you, manifested a determination to act upon the liberal principles which have marked our commercial policy. The happiest effects upon the future trade between the United States and Portugal are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The installments due under the convention with the King of the Two Sicilies have been paid with that scrupulous fidelity by which his whole conduct has been characterized, and the hope is indulged that the adjustment of the vexed question of our claims will be followed by a more extended and mutually beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this struggle has unhappily been by incidents of the most sanguinary character, the obligations of the late treaty of indemnification with us have been, nevertheless, faithfully executed by the Spanish Government.

No provision having been made at the last session of Congress for the ascertainment of the claims to be paid and the apportionment of the funds under the convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention and in the forms prescribed by it, been placed in the possession of the United States, and the interest as it fell due has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the Government of Madrid on this subject, and the lamented death of our recently appointed minister on his way to Spain, with the pressure of their affairs at home,

renders it scarcely probable that any change is to be looked for during the coming year. Further portions of the Florida archives have been sent to the United States, although the death of one of the commissioners at a critical moment embarrassed the progress of the delivery of them. The higher officers of the local government have recently shewn an anxious desire, in compliance with the orders from the parent Government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid for the establishment of a lasting peace between Spain and such of the Spanish American Governments of this hemisphere as have availed themselves of the intimation given to all of them of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted that simultaneous appointments by all of ministers to negotiate with Spain had not been made. The negotiation itself would have been simplified, and this long-standing dispute, spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweden, and Denmark stand on the usual favorable bases. One of the articles of our treaty with Russia in relation to the trade on the northwest coast of America having expired, instructions have been given to our minister at St. Petersburg to negotiate a renewal of it. The long and unbroken amity between the two Governments gives every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it than with our view of the subject can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the Nineteenth Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the House of Representatives on the 10th of January, 1825, and 18th of January, 1827. Coinciding in the opinion of my predecessor that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the United States on the footing of American vessels and cargoes as regards duties of tonnage and impost, a respect for his reference of it to the Legislature has alone prevented me from acting on the subject. I should still have waited without comment for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports for their ships and cargoes on the same footing as American, with the allegation we could not dispute that our vessels received in their ports the identical treatment shewn to them in the ports of Holland, upon whose vessels no discrimination is made in the ports of the United States. Giving the same privileges the Belgians expected the same benefits—benefits that were, in fact, enjoyed when Belgium and Holland were united under one Government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not,

RIVER NAVIGATION IN 1830 AND 1911

RIVER NAVIGATION

The cost of river transportation in the early days of the Republic was enormous. Flour, grain, corn and produce in general could not bear transportation costs for more than 150 miles. Most of the crop, therefore, went to a nearby market. For instance, to move a barrel of flour from the Tennessee country down the Susquehanna to Columbia cost 25c. To send it thence by land to Philadelphia, 74 miles away, cost $1.00. To float it down the Susquehanna from Columbia to Frenchtown, then haul it over the peninsula to the Delaware, and so to Philadelphia cost $1.75. Owing to these conditions States bordering on Canada received and sent goods via the St. Lawrence. Thus it seemed probable that sections of States would break off and form new political connections more in accord with local geography, and some bond stronger than the Constitution was required to preserve the Union.

By deepening and clearing streams, by building roads, and by throwing bridges over chasms trade would be extended, the keenness of local sentiment would abate, a feeling of nationality would arise, and the drift toward disunion would cease. As befits its gravity the subject is constantly present in the President's messages and papers.

See the article in the Encyclopedic Index, entitled, "Internal Improvements." The following citations of presidential discussions of the subject show how exhaustively they have in their State papers covered every phase of our national development.

nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans, and at the same time a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality by taking from the vessels of Holland privileges conditionally granted by acts of Congress, although the condition upon which the grant was made has, in my judgment, failed since 1822. I recommend, therefore, a review of the act of 1824, and such a modification of it as will produce an equality on such terms as Congress shall think best comports with our settled policy and the obligations of justice to two friendly powers.

With the Sublime Porte and all the Governments on the coast of Barbary our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco.

The Argentine Republic has again promised to send within the current year a minister to the United States.

A convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing and powerful inducements held out to the citizens of the United States to mingle in the dissensions of our immediate neighbors, instructions have been given to the district attorneys of the United States where indications warranted it to prosecute without respect to persons all who might attempt to violate the obligations of our neutrality, while at the same time it has been thought necessary to apprise the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.

From our diplomatic agents in Brazil, Chile, Peru, Central America, Venezuela, and New Granada constant assurances are received of the continued good understanding with the Governments to which they are severally accredited. With those Governments upon which our citizens have valid and accumulating claims, scarcely an advance toward a settlement of them is made, owing mainly to their distracted state or to the pressure of imperative domestic questions. Our patience has been and will probably be still further severely tried, but our fellow-citizens whose interests are involved may confide in the determination of the Government to obtain for them eventually ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution; injuries are committed upon foreigners engaged in lawful pursuits; much time elapses before a government sufficiently stable is erected to justify expectation of redress; ministers are sent and received, and before the discussions of past injuries are fairly begun fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together with the existing government after it has proved its ability to sustain

the assaults made upon it, or with its successor if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a government competent and enduring enough to discuss and to make satisfaction for them.

Since the last session of Congress the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her legislature, and the money has been appropriated for their discharge; but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy will shew how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station I found the United States an unsuccessful applicant to the justice of France for the satisfaction of claims the validity of which was never questionable, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstances out of which they arose are too familiar to the American people to require description. It is sufficient to say that for a period of ten years and upward our commerce was, with but little interruption, the subject of constant aggressions on the part of France—aggressions the ordinary features of which were condemnations of vessels and cargoes under arbitrary decrees, adopted in contravention as well of the laws of nations as of treaty stipulations, burnings on the high seas, and seizures and confiscations under special imperial rescripts in the ports of other nations occupied by the armies or under the control of France. Such it is now conceded is the character of the wrongs we suffered—wrongs in many cases so flagrant that even their authors never denied our right to reparation. Of the extent of these injuries some conception may be formed from the fact that after the burning of a large amount at sea and the necessary deterioration in other cases by long detention the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers before or without condemnation, brought into the French treasury upward of 24,000,000 francs, besides large custom-house duties.

The subject had already been an affair of twenty years' uninterrupted negotiation, except for a short time when France was overwhelmed by the military power of united Europe. During this period, whilst other nations were extorting from her payment of their claims at the point of the bayonet, the United States intermitted their demand for justice out of respect to the oppressed condition of a gallant people to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing

discussions, as well upon our relations with France as upon our national character, were obvious, and the line of duty was to my mind equally so. This was either to insist upon the adjustment of our claims within a reasonable period or to abandon them altogether. I could not doubt that by this course the interests and honor of both countries would be best consulted. Instructions were therefore given in this spirit to the minister who was sent out once more to demand reparation. Upon the meeting of Congress in December, 1829, I felt it my duty to speak of these claims and the delays of France in terms calculated to call the serious attention of both countries to the subject. The then French ministry took exception to the message on the ground of its containing a menace, under which it was not agreeable to the French Government to negotiate. The American minister of his own accord refuted the construction which was attempted to be put upon the message and at the same time called to the recollection of the French ministry that the President's message was a communication addressed, not to foreign governments, but to the Congress of the United States, in which it was enjoined upon him by the Constitution to lay before that body information of the state of the Union, comprehending its foreign as well as its domestic relations, and that if in the discharge of this duty he felt it incumbent upon him to summon the attention of Congress in due time to what might be the possible consequences of existing difficulties with any foreign government, he might fairly be supposed to do so under a sense of what was due from him in a frank communication with another branch of his own Government, and not from any intention of holding a menace over a foreign power. The views taken by him received my approbation, the French Government was satisfied, and the negotiation was continued. It terminated in the treaty of July 4, 1831, recognizing the justice of our claims in part and promising payment to the amount of 25,000,000 francs in six annual installments.

The ratifications of this treaty were exchanged at Washington on the 2d of February, 1832, and in five days thereafter it was laid before Congress, who immediately passed the acts necessary on our part to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the King of the French in terms which are certainly not mere matters of form, and of which the translation is as follows:

> We, approving the above convention in all and each of the dispositions which are contained in it, do declare, by ourselves as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed, and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a king, to observe it and to cause it to be observed inviolably, without ever contravening it or suffering it to be contravened, directly or indirectly, for any cause or under any pretense whatsoever.

Official information of the exchange of ratifications in the United States

reached Paris whilst the Chambers were in session. The extraordinary and to us injurious delays of the French Government in their action upon the subject of its fulfillment have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire without even an effort to obtain the necessary appropriations; that the two succeeding ones were also suffered to pass away without anything like a serious attempt to obtain a decision upon the subject, and that it was not until the fourth session, almost three years after the conclusion of the treaty and more than two years after the exchange of ratifications, that the bill for the execution of the treaty was pressed to a vote and rejected.

In the meantime the Government of the United States, having full confidence that a treaty entered into and so solemnly ratified by the French King would be executed in good faith, and not doubting that provision would be made for the payment of the first installment which was to become due on the 2d day of February, 1833, negotiated a draft for the amount through the Bank of the United States. When this draft was presented by the holder with the credentials required by the treaty to authorize him to receive the money, the Government of France allowed it to be protested. In addition to the injury in the nonpayment of the money by France, conformably to her engagement, the United States were exposed to a heavy claim on the part of the bank under pretense of damages, in satisfaction of which that institution seized upon and still retains an equal amount of the public money. Congress was in session when the decision of the Chambers reached Washington, and an immediate communication of this apparently final decision of France not to fulfill the stipulations of the treaty was the course naturally to be expected from the President. The deep tone of dissatisfaction which pervaded the public mind and the correspondent excitement produced in Congress by only a general knowledge of the result rendered it more than probable that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that by doing so neither the interests nor the honor of my country would be compromitted. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the United States by the news of the rejection of the appropriation would be such as I have described them to have been was foreseen by the French Government, and prompt measures were taken by it to prevent the consequences. The King in person expressed through our minister at Paris his profound regret at the

decision of the Chambers, and promised to send forthwith a national ship with dispatches to his minister here authorizing him to give such assurances as would satisfy the Government and people of the United States that the treaty would yet be faithfully executed by France. The national ship arrived, and the minister received his instructions. Claiming to act under the authority derived from them, he gave to this Government in the name of his the most solemn assurances that as soon after the new elections as the charter would permit the French Chambers would be convened and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the King and his ministers should be put in requisition to accomplish the object, and he was understood, and so expressly informed by this Government at the time, to engage that the question should be pressed to a decision at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promises thus solemnly made to this Government by that of France were not realized. The French Chambers met on the 31st of July, 1834, soon after the election, and although our minister in Paris urged the French ministry to bring the subject before them, they declined doing so. He next insisted that the Chambers, if prorogued without acting on the subject, should be reassembled at a period so early that their action on the treaty might be known in Washington prior to the meeting of Congress. This reasonable request was not only declined, but the Chambers were prorogued to the 29th of December, a day so late that their decision, however urgently pressed, could not in all probability be obtained in time to reach Washington before the necessary adjournment of Congress by the Constitution. The reasons given by the ministry for refusing to convoke the Chambers at an earlier period were afterwards shewn not to be insuperable by their actual convocation on the 1st of December under a special call for domestic purposes, which fact, however, did not become known to this Government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures in case the stipulations of the treaty should not be speedily complied with, and to recommend such as in my judgment the occasion called for. To this end an unreserved communication of the case in all its aspects became indispensable. To have shrunk in making it from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offense to others, would have been unworthy of us. To have gone, on the other hand, a single

step further for the purpose of wounding the pride of a Government and people with whom we had so many motives for cultivating relations of amity and reciprocal advantage would have been unwise and improper. Admonished by the past of the difficulty of making even the simplest statement of our wrongs without disturbing the sensibilities of those who had by their position become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message by which the recommendation that was made to Congress might be regarded as a menace to France in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect anything from her fears. The message did not reach Paris until more than a month after the Chambers had been in session, and such was the insensibility of the ministry to our rightful claims and just expectations that our minister had been informed that the matter when introduced would not be pressed as a cabinet measure.

Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French ministry decided to consider the conditional recommendation of reprisals a menace and an insult which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity were the immediate recall of their minister at Washington, the offer of passports to the American minister at Paris, and a public notice to the legislative Chambers that all diplomatic intercourse with the United States had been suspended. Having in this manner vindicated the dignity of France, they next proceeded to illustrate her justice. To this end a bill was immediately introduced into the Chamber of Deputies proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage and to refer with some particularity to the proceedings and discussions in regard to it.

The minister of finance in his opening speech alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He as the organ of the ministry declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the Government nor people of the United States were responsible, and that an engagement had been entered into for the fulfillment of which the honor of France was pledged. Entertaining these views, the single condition which the French ministry proposed to annex to the payment of the money was that it should not be made until it was ascertained that

the Government of the United States had done nothing to injure the interests of France, or, in other words, that no steps had been authorized by Congress of a hostile character toward France.

What the disposition or action of Congress might be was then unknown to the French cabinet; but on the 14th of January the Senate resolved that it was at that time inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee to whom the bill of indemnification had been referred reported it to the Chamber of Deputies. That committee substantially reechoed the sentiments of the ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French ministry and Chambers that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained and the bill passed as originally proposed, the money would be paid and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French Government had received satisfactory explanations of the President's message of the 2d December, 1834, and, what is still more extraordinary, the president of the council of ministers adopted this amendment and consented to its incorporation in the bill. In regard to a supposed insult which had been formally resented by the recall of their minister and the offer of passports to ours, they now for the first time proposed to ask explanations. Sentiments and propositions which they had declared could not justly be imputed to the Government or people of the United States are set up as obstacles to the performance of an act of conceded justice to that Government and people. They had declared that the honor of France required the fulfillment of the engagement into which the King had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them, and yet that fulfillment is refused unless they first obtain from the President explanations of an opinion characterized by themselves as personal and inoperative.

The conception that it was my intention to menace or insult the Government of France is as unfounded as the attempt to extort from the fears of that nation what her sense of justice may deny would be vain and ridiculous. But the Constitution of the United States imposes on the President the duty of laying before Congress the condition of the country in its foreign and domestic relations, and of recommending such measures as may in his opinion be required by its interests. From the performance of this duty he can not be deterred by the fear of wounding

the sensibilities of the people or government of whom it may become necessary to speak; and the American people are incapable of submitting to an interference by any government on earth, however powerful, with the free performance of the domestic duties which the Constitution has imposed on their public functionaries. The discussions which intervene between the several departments of our Government belong to ourselves, and for anything said in them our public servants are only responsible to their own constituents and to each other. If in the course of their consultations facts are erroneously stated or unjust deductions are made, they require no other inducement to correct them, however informed of their error, than their love of justice and what is due to their own character; but they can never submit to be interrogated upon the subject as a matter of right by a foreign power. When our discussions terminate in acts, our responsibility to foreign powers commences, not as individuals, but as a nation. The principle which calls in question the President for the language of his message would equally justify a foreign power in demanding explanation of the language used in the report of a committee or by a member in debate.

This is not the first time that the Government of France has taken exception to the messages of American Presidents. President Washington and the first President Adams in the performance of their duties to the American people fell under the animadversions of the French Directory. The objection taken by the ministry of Charles X, and removed by the explanations made by our minister upon the spot, has already been adverted to. When it was understood that the ministry of the present King took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late minister at Paris, in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French Government under date of the 29th of January, 1835,* calculated to remove all impressions which an unreasonable susceptibility had created. He repeated and called the attention of the French Government to the disavowal contained in the message itself of any intention to intimidate by menace; he truly declared that it contained and was intended to contain no charge of ill faith against the King of the French, and properly distinguished between the right to complain in unexceptionable terms of the omission to execute an agreement and an accusation of bad motives in withholding such execution, and demonstrated that the necessary use of that right ought not to be considered as an offensive imputation. Although this communication was made without instructions and entirely on the minister's own responsibility, yet it was afterwards made the act of this Government by my full approbation, and that approbation was officially made known on the 25th of April, 1835, to the French Government. It, however, failed to have any effect. The law, after this friendly

* For communication, see pp. 1421–1427.

explanation, passed with the obnoxious amendment, supported by the King's ministers, and was finally approved by the King.

The people of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their Government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note of the 29th of January, to which I have before alluded, was not the only one which our minister took upon himself the responsibility of presenting on the same subject and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he knew could never be complied with, he thought it a duty to make another attempt to convince the French Government that whilst self-respect and regard to the dignity of other nations would always prevent us from using any language that ought to give offense, yet we could never admit a right in any foreign government to ask explanations of or to interfere in any manner in the communications which one branch of our public councils made with another; that in the present case no such language had been used, and that this had in a former note been fully and voluntarily stated, before it was contemplated to make the explanation a condition; and that there might be no misapprehension he stated the terms used in that note, and he officially informed them that it had been approved by the President, and that therefore every explanation which could reasonably be asked or honorably given had been already made; that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was therefore not only useless, but might be deemed offensive, and certainly would not be complied with if annexed as a condition.

When this latter communication, to which I especially invite the attention of Congress, was laid before me, I entertained the hope that the means it was obviously intended to afford of an honorable and speedy adjustment of the difficulties between the two nations would have been accepted, and I therefore did not hesitate to give it my sanction and full approbation. This was due to the minister who had made himself responsible for the act, and it was published to the people of the United States and is now laid before their representatives to shew how far their Executive has gone in its endeavors to restore a good understanding between the two countries. It would have been at any time communicated to the Government of France had it been officially requested.

The French Government having received all the explanation which honor and principle permitted, and which could in reason be asked, it was hoped it would no longer hesitate to pay the installments now due. The agent authorized to receive the money was instructed to inform the French minister of his readiness to do so. In reply to this notice he was told that the money could not then be paid, because the formalities required by the act of the Chambers had not been arranged.

Not having received any official information of the intentions of the French Government, and anxious to bring, as far as practicable, this unpleasant affair to a close before the meeting of Congress, that you might have the whole subject before you, I caused our chargé d'affaires at Paris to be instructed to ask for the final determination of the French Government, and in the event of their refusal to pay the installments now due, without further explanations to return to the United States.

The result of this last application has not yet reached us, but is daily expected. That it may be favorable is my sincere wish. France having now, through all the branches of her Government, acknowledged the validity of our claims and the obligation of the treaty of 1831, and there really existing no adequate cause for further delay, will at length, it may be hoped, adopt the course which the interests of both nations, not less than the principles of justice, so imperiously require. The treaty being once executed on her part, little will remain to disturb the friendly relations of the two countries—nothing, indeed, which will not yield to the suggestions of a pacific and enlightened policy and to the influence of that mutual good will and of those generous recollections which we may confidently expect will then be revived in all their ancient force. In any event, however, the principle involved in the new aspect which has been given to the controversy is so vitally important to the independent administration of the Government that it can neither be surrendered nor compromitted without national degradation. I hope it is unnecessary for me to say that such a sacrifice will not be made through any agency of mine. The honor of my country shall never be stained by an apology from me for the statement of truth and the performance of duty; nor can I give any explanation of my official acts except such as is due to integrity and justice and consistent with the principles on which our institutions have been framed. This determination will, I am confident, be approved by my constituents. I have, indeed, studied their character to but little purpose if the sum of 25,000,000 francs will have the weight of a feather in the estimation of what appertains to their national independence, and if, unhappily, a different impression should at any time obtain in any quarter, they will, I am sure, rally round the Government of their choice with alacrity and unanimity, and silence forever the degrading imputation.

Having thus frankly presented to you the circumstances which since the last session of Congress have occurred in this interesting and important matter, with the views of the Executive in regard to them, it is at this time only necessary to add that whenever the advices now daily expected from our chargé d'affaires shall have been received they will be made the subject of a special communication.

The condition of the public finances was never more flattering than at the present period.

Since my last annual communication all the remains of the public debt

have been redeemed, or money has been placed in deposit for this purpose whenever the creditors choose to receive it. All the other pecuniary engagements of the Government have been honorably and promptly fulfilled, and there will be a balance in the Treasury at the close of the present year of about $19,000,000. It is believed that after meeting all outstanding and unexpended appropriations there will remain near eleven millions to be applied to any new objects which Congress may designate or to the more rapid execution of the works already in progress. In aid of these objects, and to satisfy the current expenditures of the ensuing year, it is estimated that there will be received from various sources twenty millions more in 1836.

Should Congress make new appropriations in conformity with the estimates which will be submitted from the proper Departments, amounting to about twenty-four millions, still the available surplus at the close of the next year, after deducting all unexpended appropriations, will probably not be less than six millions. This sum can, in my judgment, be now usefully applied to proposed improvements in our navy-yards, and to new national works which are not enumerated in the present estimates or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt in our present peculiar condition to divide the surplus revenue or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the Secretary of the Treasury will enter into details, shewing the probability of some decrease in the revenue during the next seven years and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption which are not in competition with our own productions may be no doubt so diminished as to lessen to some extent the source of this revenue, and the same object can also be assisted by more liberal provisions for the subjects of public defense, which in the present state of our prosperity and wealth may be expected to engage your attention. If, however, after satisfying all the demands which can arise from these sources the unexpended balance in the Treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject.

It is certainly our duty to diminish as far as we can the burdens of taxation and to regard all the restrictions which are imposed on the trade and navigation of our citizens as evils which we shall mitigate whenever we are not prevented by the adverse legislation and policy of foreign nations or those primary duties which the defense and independence of our country enjoin upon us. That we have accomplished much toward

the relief of our citizens by the changes which have accompanied the payment of the public debt and the adoption of the present revenue laws is manifest from the fact that compared with 1833 there is a diminution of near twenty-five millions in the last two years, and that our expenditures, independently of those for the public debt, have been reduced near nine millions during the same period. Let us trust that by the continued observance of economy and by harmonizing the great interests of agriculture, manufactures, and commerce much more may be accomplished to diminish the burdens of government and to increase still further the enterprise and the patriotic affection of all classes of our citizens and all the members of our happy Confederacy. As the data which the Secretary of the Treasury will lay before you in regard to our financial resources are full and extended, and will afford a safe guide in your future calculations, I think it unnecessary to offer any further observations on that subject here.

Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount in the present year to the unexpected sum of $11,000,000. This circumstance attests the rapidity with which agriculture, the first and most important occupation of man, advances and contributes to the wealth and power of our extended territory. Being still of the opinion that it is our best policy, as far as we can consistently with the obligations under which those lands were ceded to the United States, to promote their speedy settlement, I beg leave to call the attention of the present Congress to the suggestions I have offered respecting it in my former messages.

The extraordinary receipts from the sales of the public lands invite you to consider what improvements the land system, and particularly the condition of the General Land Office, may require. At the time this institution was organized, near a quarter of a century ago, it would probably have been thought extravagant to anticipate for this period such an addition to its business as has been produced by the vast increase of those sales during the past and present years. It may also be observed that since the year 1812 the land offices and surveying districts have been greatly multiplied, and that numerous legislative enactments from year to year since that time have imposed a great amount of new and additional duties upon that office, while the want of a timely application of force commensurate with the care and labor required has caused the increasing embarrassment of accumulated arrears in the different branches of the establishment.

These impediments to the expedition of much duty in the General Land Office induce me to submit to your judgment whether some modification of the laws relating to its organization, or an organization of a new character, be not called for at the present juncture, to enable the office to accomplish all the ends of its institution with a greater degree

of facility and promptitude than experience has proved to be practicable under existing regulations. The variety of the concerns and the magnitude and complexity of the details occupying and dividing the attention of the Commissioner appear to render it difficult, if not impracticable, for that officer by any possible assiduity to bestow on all the multifarious subjects upon which he is called to act the ready and careful attention due to their respective importance, unless the Legislature shall assist him by a law providing, or enabling him to provide, for a more regular and economical distribution of labor, with the incident responsibility among those employed under his direction. The mere manual operation of affixing his signature to the vast number of documents issuing from his office subtracts so largely from the time and attention claimed by the weighty and complicated subjects daily accumulating in that branch of the public service as to indicate the strong necessity of revising the organic law of the establishment. It will be easy for Congress hereafter to proportion the expenditure on account of this branch of the service to its real wants by abolishing from time to time the offices which can be dispensed with.

The extinction of the public debt having taken place, there is no longer any use for the offices of Commissioners of Loans and of the Sinking Fund. I recommend, therefore, that they be abolished, and that proper measures be taken for the transfer to the Treasury Department of any funds, books, and papers connected with the operations of those offices, and that the proper power be given to that Department for closing finally any portion of their business which may remain to be settled.

It is also incumbent on Congress in guarding the pecuniary interests of the country to discontinue by such a law as was passed in 1812 the receipt of the bills of the Bank of the United States in payment of the public revenue, and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it after the 3d of March, 1836, when its charter expires. In making provision in regard to the disposition of this stock it will be essential to define clearly and strictly the duties and powers of the officer charged with that branch of the public service.

It will be seen from the correspondence which the Secretary of the Treasury will lay before you that notwithstanding the large amount of the stock which the United States hold in that institution no information has yet been communicated which will enable the Government to anticipate when it can receive any dividends or derive any benefit from it.

Connected with the condition of the finances and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have been already derived from the recent laws regulating the value of the gold coinage. These advantages will be more

apparent in the course of the next year, when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States and by judicious regulations on the part of Congress in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver as a circulating medium will become general in the ordinary transactions connected with the labor of the country. The great desideratum in modern times is an efficient check upon the power of banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value which render uncertain the rewards of labor. It was supposed by those who established the Bank of the United States that from the credit given to it by the custody of the public moneys and other privileges and the precautions taken to guard against the evils which the country had suffered in the bankruptcy of many of the State institutions of that period we should derive from that institution all the security and benefits of a sound currency and every good end that was attainable under that provision of the Constitution which authorizes Congress alone to coin money and regulate the value thereof. But it is scarcely necessary now to say that these anticipations have not been realized.

After the extensive embarrassment and distress recently produced by the Bank of the United States, from which the country is now recovering, aggravated as they were by pretensions to power which defied the public authority, and which if acquiesced in by the people would have changed the whole character of our Government, every candid and intelligent individual must admit that for the attainment of the great advantages of a sound currency we must look to a course of legislation radically different from that which created such an institution.

In considering the means of obtaining so important an end we must set aside all calculations of temporary convenience, and be influenced by those only which are in harmony with the true character and the permanent interests of the Republic. We must recur to first principles and see what it is that has prevented the legislation of Congress and the States on the subject of currency from satisfying the public expectation and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession and generous patriotism which was originally, and must ever continue to be, the vital element of our Union.

On this subject I am sure that I can not be mistaken in ascribing our want of success to the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered may be traced to the resort to implied powers and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but

one class of these dangers exhibited in the contest waged by the Bank of the United States against the Government for the last four years. Happily they have been obviated for the present by the indignant resistance of the people, but we should recollect that the principle whence they sprung is an ever-active one, which will not fail to renew its efforts in the same and in other forms so long as there is a hope of success, founded either on the inattention of the people or the treachery of their representatives to the subtle progress of its influence. The bank is, in fact, but one of the fruits of a system at war with the genius of all our institutions—a system founded upon a political creed the fundamental principle of which is a distrust of the popular will as a safe regulator of political power, and whose great ultimate object and inevitable result, should it prevail, is the consolidation of all power in our system in one central government. Lavish public disbursements and corporations with exclusive privileges would be its substitutes for the original and as yet sound checks and balances of the Constitution—the means by whose silent and secret operation a control would be exercised by the few over the political conduct of the many by first acquiring that control over the labor and earnings of the great body of the people. Wherever this spirit has effected an alliance with political power, tyranny and despotism have been the fruit. If it is ever used for the ends of government, it has to be incessantly watched, or it corrupts the sources of the public virtue and agitates the country with questions unfavorable to the harmonious and steady pursuit of its true interests.

We are now to see whether, in the present favorable condition of the country, we can not take an effectual stand against this spirit of monopoly, and practically prove in respect to the currency as well as other important interests that there is no necessity for so extensive a resort to it as that which has been heretofore practiced. The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent of the Government. Without its aid as such, indeed, in despite of all the embarrassment it was in its power to create, the revenue has been paid with punctuality by our citizens, the business of exchange, both foreign and domestic, has been conducted with convenience, and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community in relation to exchange and currency are supplied as well as they have ever been before. If under circumstances the most unfavorable to the steadiness of the money market it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it can not be doubted that the experience of the future will be more decisive against them.

It has been seen that without the agency of a great moneyed monopoly the revenue can be collected and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return to the extent required for the security of the currency to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power, which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue, being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it can not be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse, of the small bills will be cheerfully complied with, and that we shall soon gain in place of the Bank of the United States a practical reform in the whole paper system of the country. If by this policy we can ultimately witness the suppression of all bank bills below $20, it is apparent that gold and silver will take their place and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans than all the legislation which has yet been attempted.

To this subject I feel that I can not too earnestly invite the special attention of Congress, without the exercise of whose authority the opportunity to accomplish so much public good must pass unimproved. Deeply impressed with its vital importance, the Executive has taken all the steps within his constitutional power to guard the public revenue and defeat the expectation which the Bank of the United States indulged of renewing and perpetuating its monopoly on the ground of its necessity as a fiscal agent and as affording a sounder currency than could be obtained without such an institution. In the performance of this duty much responsibility was incurred which would have been gladly avoided if the stake which the public had in the question could have been other-

wise preserved. Although clothed with the legal authority and supported by precedent, I was aware that there was in the act of the removal of the deposits a liability to excite that sensitiveness to Executive power which it is the characteristic and the duty of freemen to indulge; but I relied on this feeling also, directed by patriotism and intelligence, to vindicate the conduct which in the end would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling that there may have been a desire, through the instrumentality of that measure, to extend the Executive influence, or that it may have been prompted by motives not sufficiently free from ambition, were not overlooked. Under the operation of our institutions the public servant who is called on to take a step of high responsibility should feel in the freedom which gives rise to such apprehensions his highest security. When unfounded the attention which they arouse and the discussions they excite deprive those who indulge them of the power to do harm; when just they but hasten the certainty with which the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposits, it was impossible for me to be deterred from the path of duty by a fear that my motives could be misjudged or that political prejudices could defeat the just consideration of the merits of my conduct. The result has shewn how safe is this reliance upon the patriotic temper and enlightened discernment of the people. That measure has now been before them and has stood the test of all the severe analysis which its general importance, the interests it affected, and the apprehensions it excited were calculated to produce, and it now remains for Congress to consider what legislation has become necessary in consequence.

I need only add to what I have on former occasions said on this subject generally that in the regulations which Congress may prescribe respecting the custody of the public moneys it is desirable that as little discretion as may be deemed consistent with their safe-keeping should be given to the executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public money this doctrine is peculiarly applicable, and is in harmony with the great principle which I felt I was sustaining in the controversy with the Bank of the United States, which has resulted in severing to some extent a dangerous connection between a moneyed and political power. The duty of the Legislature to define, by clear and positive enactments, the nature and extent of the action which it belongs to the Executive to superintend springs out of a policy analogous to that which enjoins upon all the branches of the Federal

Government an abstinence from the exercise of powers not clearly granted.

In such a Government, possessing only limited and specific powers, the spirit of its general administration can not be wise or just when it opposes the reference of all doubtful points to the great source of authority, the States and the people, whose number and diversified relations securing them against the influences and excitements which may mislead their agents, make them the safest depository of power. In its application to the Executive, with reference to the legislative branch of the Government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the people in that body.

In my former messages to Congress I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various Departments, but it has produced no effect as yet, except the discontinuance of extra allowances in the Army and Navy and the substitution of fixed salaries in the latter. It is believed that the same principles could be advantageously applied in all cases, and would promote the efficiency and economy of the public service, at the same time that greater satisfaction and more equal justice would be secured to the public officers generally.

The accompanying report of the Secretary of War will put you in possession of the operations of the Department confided to his care in all its diversified relations during the past year.

I am gratified in being able to inform you that no occurrence has required any movement of the military force, except such as is common to a state of peace. The services of the Army have been limited to their usual duties at the various garrisons upon the Atlantic and inland frontier, with the exceptions stated by the Secretary of War. Our small military establishment appears to be adequate to the purposes for which it is maintained, and it forms a nucleus around which any additional force may be collected should the public exigencies unfortunately require any increase of our military means.

The various acts of Congress which have been recently passed in relation to the Army have improved its condition, and have rendered its organization more useful and efficient. It is at all times in a state for prompt and vigorous action, and it contains within itself the power of extension to any useful limit, while at the same time it preserves that knowledge, both theoretical and practical, which education and experience alone can give, and which, if not acquired and preserved in time of peace, must be sought under great disadvantages in time of war.

The duties of the Engineer Corps press heavily upon that branch of the service, and the public interest requires an addition to its strength. The

nature of the works in which the officers are engaged renders necessary professional knowledge and experience, and there is no economy in committing to them more duties than they can perform or in assigning these to other persons temporarily employed, and too often of necessity without all the qualifications which such service demands. I recommend this subject to your attention, and also the proposition submitted at the last session of Congress and now renewed, for a reorganization of the Topographical Corps. This reorganization can be effected without any addition to the present expenditure and with much advantage to the public service. The branch of duties which devolves upon these officers is at all times interesting to the community, and the information furnished by them is useful in peace and war.

Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted not only because it necessarily interrupted and delayed the progress of a system of national defense, projected immediately after the last war and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object and other branches of the national defense, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications agreeably to the proposition submitted by him, and to place our whole Atlantic seaboard in a complete state of defense. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which at the present juncture give it peculiar force and make it my duty to call to the subject your special consideration.

The present system of military education has been in operation sufficiently long to test its usefulness, and it has given to the Army a valuable body of officers. It is not alone in the improvement, discipline, and operation of the troops that these officers are employed. They are also extensively engaged in the administrative and fiscal concerns of the various matters confided to the War Department; in the execution of the staff duties usually appertaining to military organization; in the removal of the Indians and in the disbursement of the various expenditures growing out of our Indian relations; in the formation of roads and in the improvement of harbors and rivers; in the construction of fortifications, in the fabrication of much of the *matériel* required for the public defense, and in the preservation, distribution, and accountability of the whole, and in other miscellaneous duties not admitting of classification.

These diversified functions embrace very heavy expenditures of public

money, and require fidelity, science, and business habits in their execution, and a system which shall secure these qualifications is demanded by the public interest. That this object has been in a great measure obtained by the Military Academy is shewn by the state of the service and by the prompt accountability which has generally followed the necessary advances. Like all other political systems, the present mode of military education no doubt has its imperfections, both of principle and practice; but I trust these can be improved by rigid inspections and by legislative scrutiny without destroying the institution itself.

Occurrences to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance upon the great body of the community whose will has instituted and whose power must support the Government. A large standing military force is not consonant to the spirit of our institutions nor to the feelings of our countrymen, and the lessons of former days and those also of our own times shew the danger as well as the enormous expense of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand and the danger and expense of a large force on the other is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force and by such an organization of the physical strength of the country as may bring this power into operation whenever its services are required. A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all by transferring each at a proper period of life from one class to another and by calling first for the services of that class, whether for instruction or action, which from age is qualified for the duty and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if in addition to this organization voluntary associations were encouraged and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to digest and establish a practicable system. The object is certainly worth the experiment and worth the expense. No one appreciating the blessings of a republican government can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so and a fixed determination to give no just cause of offense

to other nations furnish, unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offense is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defense afford the best security against those collisions which the ambition, or interest, or some other passion of nations not more justifiable is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people and to instruct them in the elements of military knowledge. That fear can have no place here when it is recollected that the people are the sovereign power. Our Government was instituted and is supported by the ballot box, not by the musket. Whatever changes await it, still greater changes must be made in our social institutions before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject I am impressed with the importance of a prompt and efficient organization of the militia.

The plan of removing the aboriginal people who yet remain within the settled portions of the United States to the country west of the Mississippi River approaches its consummation. It was adopted on the most mature consideration of the condition of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit, and as fast as their consent can be obtained. All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact that they can not live in contact with a civilized community and prosper. Ages of fruitless endeavors have at length brought us to a knowledge of this principle of intercommunication with them. The past we can not recall, but the future we can provide for. Independently of the treaty stipulations into which we have entered with the various tribes for the usufructuary rights they have ceded to us, no one can doubt the moral duty of the Government of the United States to protect and if possible to preserve and perpetuate the scattered remnants of this race which are left within our borders. In the discharge of this duty an extensive region in the West has been assigned for their permanent residence. It has been divided into districts and allotted among them. Many have already removed and others are preparing to go, and with the exception of two small bands living in Ohio and Indiana, not exceeding 1,500 persons, and of the Cherokees, all the tribes on the east side of the Mississippi, and extending from Lake Michigan to Florida, have entered into engagements which will lead to their transplantation.

The plan for their removal and reestablishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of enlarged liberality. A territory exceeding in extent that relinquished has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population the representations are highly favorable. To these districts the Indians are removed at the

expense of the United States, and with certain supplies of clothing, arms, ammunition, and other indispensable articles; they are also furnished gratuitously with provisions for the period of a year after their arrival at their new homes. In that time, from the nature of the country and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life; if they do not they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require. Ample arrangements have also been made for the support of schools; in some instances council houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor; the most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheelwrights, millwrights, etc., are supported among them. Steel and iron, and sometimes salt, are purchased for them, and plows and other farming utensils, domestic animals, looms, spinning wheels, cards, etc., are presented to them. And besides these beneficial arrangements, annuities are in all cases paid, amounting in some instances to more than $30 for each individual of the tribe, and in all cases sufficiently great, if justly divided and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And as a stimulus for exertion, it is now provided by law that "in all cases of the appointment of interpreters or other persons employed for the benefit of the Indians a preference shall be given to persons of Indian descent, if such can be found who are properly qualified for the discharge of the duties."

Such are the arrangements for the physical comfort and for the moral improvement of the Indians. The necessary measures for their political advancement and for their separation from our citizens have not been neglected. The pledge of the United States has been given by Congress that the country destined for the residence of this people shall be forever "secured and guaranteed to them." A country west of Missouri and Arkansas has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves or by the United States for them and with their concurrence. A barrier has thus been raised for their protection against the encroachment of our citizens, and guarding the Indians as far as possible from those evils which have brought them to their present condition. Summary authority has been given by law to destroy all ardent spirits found in their country, without waiting the doubtful result and slow process of a legal seizure. I consider the absolute and unconditional interdiction of this article among these people as the first and great step in their melioration. Halfway measures will answer no purpose. These can not successfully contend against the cupidity of the

seller and the overpowering appetite of the buyer. And the destructive effects of the traffic are marked in every page of the history of our Indian intercourse.

Some general legislation seems necessary for the regulation of the relations which will exist in this new state of things between the Government and people of the United States and these transplanted Indian tribes, and for the establishment among the latter, and with their own consent, of some principles of intercommunication which their juxtaposition will call for; that moral may be substituted for physical force, the authority of a few and simple laws for the tomahawk, and that an end may be put to those bloody wars whose prosecution seems to have made part of their social system.

After the further details of this arrangement are completed, with a very general supervision over them, they ought to be left to the progress of events. These, I indulge the hope, will secure their prosperity and improvement, and a large portion of the moral debt we owe them will then be paid.

The report from the Secretary of the Navy, shewing the condition of that branch of the public service, is recommended to your special attention. It appears from it that our naval force at present in commission, with all the activity which can be given to it, is inadequate to the protection of our rapidly increasing commerce. This consideration and the more general one which regards this arm of the national defense as our best security against foreign aggressions strongly urge the continuance of the measures which promote its gradual enlargement and a speedy increase of the force which has been heretofore employed abroad and at home. You will perceive from the estimates which appear in the report of the Secretary of the Navy that the expenditures necessary to this increase of its force, though of considerable amount, are small compared with the benefits which they will secure to the country.

As a means of strengthening this national arm I also recommend to your particular attention the propriety of the suggestion which attracted the consideration of Congress at its last session, respecting the enlistment of boys at a suitable age in the service. In this manner a nursery of skillful and able-bodied seamen can be established, which will be of the greatest importance. Next to the capacity to put afloat and arm the requisite number of ships is the possession of the means to man them efficiently, and nothing seems better calculated to aid this object than the measure proposed. As an auxiliary to the advantages derived from our extensive commercial marine, it would furnish us with a resource ample enough for all the exigencies which can be anticipated. Considering the state of our resources, it can not be doubted that whatever provision the liberality and wisdom of Congress may now adopt with a view to the perfect organization of this branch of our service will meet the approbation of all classes of our citizens.

By the report of the Postmaster-General it appears that the revenue of the Department during the year ending on the 30th day of June last exceeded its accruing responsibilities $236,206, and that the surplus of the present fiscal year is estimated at $476,227. It further appears that the debt of the Department on the 1st day of July last, including the amount due to contractors for the quarter then just expired, was about $1,064,381, exceeding the available means about $23,700; and that on the 1st instant about $597,077 of this debt had been paid—$409,991 out of postages accruing before July and $187,086 out of postages accruing since. In these payments are included $67,000 of the old debt due to banks. After making these payments the Department had $73,000 in bank on the 1st instant. The pleasing assurance is given that the Department is entirely free from embarrassment, and that by collection of outstanding balances and using the current surplus the remaining portion of the bank debt and most of the other debt will probably be paid in April next, leaving thereafter a heavy amount to be applied in extending the mail facilities of the country. Reserving a considerable sum for the improvement of existing mail routes, it is stated that the Department will be able to sustain with perfect convenience an annual charge of $300,000 for the support of new routes, to commence as soon as they can be established and put in operation.

The measures adopted by the Postmaster-General to bring the means of the Department into action and to effect a speedy extinguishment of its debt, as well as to produce an efficient administration of its affairs, will be found detailed at length in his able and luminous report. Aided by a reorganization on the principles suggested and such salutary provisions in the laws regulating its administrative duties as the wisdom of Congress may devise or approve, that important Department will soon attain a degree of usefulness proportioned to the increase of our population and the extension of our settlements.

Particular attention is solicited to that portion of the report of the Postmaster-General which relates to the carriage of the mails of the United States upon railroads constructed by private corporations under the authority of the several States. The reliance which the General Government can place on those roads as a means of carrying on its operations and the principles on which the use of them is to be obtained can not too soon be considered and settled. Already does the spirit of monopoly begin to exhibit its natural propensities in attempts to exact from the public, for services which it supposes can not be obtained on other terms, the most extravagant compensation. If these claims be persisted in, the question may arise whether a combination of citizens, acting under charters of incorporation from the States, can, by a direct refusal or the demand of an exorbitant price, exclude the United States from the use of the established channels of communication between the different sections of the country, and whether the United States can not, without

BOSTONIANS BREAK UP ABOLITION MEETING

ABOLITIONISM DECRIED NORTH AND SOUTH

The illustration on the reverse, reproduced from a contemporary print, shows faithfully the character of opposition experienced by the abolitionists in the North. The men who most effectually contended against them were men of property and of culture. They thought that a horde of narrow-minded fanatics were endeavoring to destroy the Union which Clay and Webster had labored to preserve by compromise, and indeed Garrison's great mistake was his statement that unless slavery could be rooted out the Union was not worth preserving. Furthermore, the South tried to retaliate on her critics by reducing her trade with the North. The highly respectable broadcloth-coated classes were, therefore, vigorous in dispersing their assemblies and suppressing their literature.

The mob following their example, did not spare the agitators. Garrison was rescued from one with the halter already on him. The houses of other abolitionists were sacked and burned. Lovejoy, a publisher, whose plant had twice been destroyed, was murdered in Alton, Ill., as shown in the panel. Congressmen and judges led some of these riots. In the North, postmasters, with the connivance of the Administration, searched the mail for their literature and destroyed what they could, though to do so was a violation of the Constitution. The panel shows the people of Charleston, S. C., robbing the United States mails in order to burn abolition literature.

See the article "Abolitionists" in the index (volume eleven).

transcending their constitutional powers, secure to the Post-Office Department the use of those roads by an act of Congress which shall provide within itself some equitable mode of adjusting the amount of compensation. To obviate, if possible, the necessity of considering this question, it is suggested whether it be not expedient to fix by law the amounts which shall be offered to railroad companies for the conveyance of the mails, graduated according to their average weight, to be ascertained and declared by the Postmaster-General. It is probable that a liberal proposition of that sort would be accepted.

In connection with these provisions in relation to the Post-Office Department, I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints and in various sorts of publications, calculated to stimulate them to insurrection and to produce all the horrors of a servile war. There is doubtless no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders, and peace depends upon the maintenance in good faith of those compromises of the Constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the nonslaveholding States to the Union and to their fellow-citizens of the same blood in the South have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the nonslaveholding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing so far as in them lies whatever is calculated to produce this evil.

In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post-Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the Confederacy, from being used as an instrument of an opposite character. The General Government, to which the great trust is confided of preserving inviolate the relations created among the States by the Constitution, is especially bound to avoid in its own action anything that may disturb them. I would therefore

call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection.

I felt it to be my duty in the first message which I communicated to Congress to urge upon its attention the propriety of amending that part of the Constitution which provides for the election of the President and the Vice-President of the United States. The leading object which I had in view was the adoption of some new provisions which would secure to the people the performance of this high duty without any intermediate agency. In my annual communications since I have enforced the same views, from a sincere conviction that the best interests of the country would be promoted by their adoption. If the subject were an ordinary one, I should have regarded the failure of Congress to act upon it as an indication of their judgment that the disadvantages which belong to the present system were not so great as those which would result from any attainable substitute that had been submitted to their consideration. Recollecting, however, that propositions to introduce a new feature in our fundamental laws can not be too patiently examined, and ought not to be received with favor until the great body of the people are thoroughly impressed with their necessity and value as a remedy for real evils, I feel that in renewing the recommendation I have heretofore made on this subject I am not transcending the bounds of a just deference to the sense of Congress or to the disposition of the people. However much we may differ in the choice of the measures which should guide the administration of the Government, there can be but little doubt in the minds of those who are really friendly to the republican features of our system that one of its most important securities consists in the separation of the legislative and executive powers at the same time that each is held responsible to the great source of authority, which is acknowledged to be supreme, in the will of the people constitutionally expressed. My reflection and experience satisfy me that the framers of the Constitution, although they were anxious to mark this feature as a settled and fixed principle in the structure of the Government, did not adopt all the precautions that were necessary to secure its practical observance, and that we can not be said to have carried into complete effect their intentions until the evils which arise from this organic defect are remedied.

Considering the great extent of our Confederacy, the rapid increase of its population, and the diversity of their interests and pursuits, it can not be disguised that the contingency by which one branch of the Legislature is to form itself into an electoral college can not become one of ordinary occurrence without producing incalculable mischief. What was intended as the medicine of the Constitution in extreme cases can not be frequently used without changing its character and sooner or later producing incurable disorder.

Every election by the House of Representatives is calculated to lessen the force of that security which is derived from the distinct and separate character of the legislative and executive functions, and while it exposes each to temptations adverse to their efficiency as organs of the Constitution and laws, its tendency will be to unite both in resisting the will of the people, and thus give a direction to the Government antirepublican and dangerous. All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which will diminish their control over it. This obligation, so universal in its application to all the principles of a republic, is peculiarly so in ours, where the formation of parties founded on sectional interests is so much fostered by the extent of our territory. These interests, represented by candidates for the Presidency, are constantly prone, in the zeal of party and selfish objects, to generate influences unmindful of the general good and forgetful of the restraints which the great body of the people would enforce if they were in no contingency to lose the right of expressing their will. The experience of our country from the formation of the Government to the present day demonstrates that the people can not too soon adopt some stronger safeguard for their right to elect the highest officers known to the Constitution than is contained in that sacred instrument as it now stands.

It is my duty to call the particular attention of Congress to the present condition of the District of Columbia. From whatever cause the great depression has arisen which now exists in the pecuniary concerns of this District, it is proper that its situation should be fully understood and such relief or remedies provided as are consistent with the powers of Congress. I earnestly recommend the extension of every political right to the citizens of this District which their true interests require, and which does not conflict with the provisions of the Constitution. It is believed that the laws for the government of the District require revisal and amendment, and that much good may be done by modifying the penal code so as to give uniformity to its provisions.

Your attention is also invited to the defects which exist in the judicial system of the United States. As at present organized the States of the Union derive unequal advantages from the Federal judiciary, which have been so often pointed out that I deem it unnecessary to repeat them here. It is hoped that the present Congress will extend to all the States that equality in respect to the benefits of the laws of the Union which can only be secured by the uniformity and efficiency of the judicial system.

With these observations on the topics of general interest which are deemed worthy of your consideration, I leave them to your care, trusting that the legislative measures they call for will be met as the wants and the best interests of our beloved country demand.

ANDREW JACKSON.

Mr. Livingston to the Duke de Broglie.

LEGATION OF THE UNITED STATES,
Paris, April 25, 1835.

His Excellency the DUC DE BROGLIE, etc.,
Minister Secretary of State for Foreign Affairs.

SIR: About to return to my own country, I am unwilling to leave this without adding one more effort to the many I have heretofore made to restore to both that mutual good understanding which their best interests require, and which probable events may interrupt and perhaps permanently destroy.

From the correspondence and acts of His Majesty's Government since the message of the President of the United States was known at Paris it is evident that an idea is entertained of making the fulfillment of the treaty of 1831 dependent on explanations to be given of the terms used in the message, and withholding payment of an acknowledged debt until satisfaction be given for a supposed indecorum in demanding it. The bare possibility that this opinion might be entertained and acted upon by His Majesty's Government renders it incumbent on me to state explicitly what I understand to be the sentiments of mine on this subject.

Erroneous impressions, arising from the want of a proper attention to the structure of our Government, to the duties of its Chief Magistrate, to the principles it has adopted and its strict adherence to them in similar cases, might raise expectations which could never be realized and lead to measures destructive of all harmony between the parties. This communication is made in full confidence that it is the wish of His Majesty's Government, as it most sincerely is that of the President, to avoid all measures of that description; and it is hoped, therefore, that it will be received in the spirit by which it is dictated—that of conciliation and peace.

The form of our Government and the functions of the President as a component part of it have in their relation to this subject been sufficiently explained in my previous correspondence, especially in my letter to the Comte de Rigny of the 29th of January last. I have therefore little to add to that part of my representation which is drawn from the form of our Government and the duties of the President in administering it. If these are fully understood, the principles of action derived from them can not be mistaken.

The President, as the chief executive power, must have a free and entirely unfettered communication with the coordinate powers of Government. As the organ of intercourse with other nations, he is the only source from which a knowledge of our relations with them can be conveyed to the legislative branches. It results from this that the utmost freedom from all restraint in the details into which he is obliged to enter of international concerns and of the measures in relation to them is essential to the proper performance of this important part of his functions. He must exercise them without having continually before him the fear of offending the susceptibility of the powers whose conduct he is obliged to notice. In the performance of this duty he is subject to public opinion and his own sense of propriety for an indiscreet, to his constituents for a dangerous, and to his constitutional judges for an illegal, exercise of the power, but to no other censure, foreign or domestic. Were any foreign powers permitted to scan the communications of the Executive, their complaints, whether real or affected, would involve the country in continual controversies; for the right being acknowledged, it would be a duty to exercise it by demanding a disavowal of every phrase they might deem offensive and an explanation of every word to which an improper interpretation could be given. The principle, therefore, has been adopted that no foreign power has a right to ask for explanations of anything that the President, in the exercise of his functions, thinks proper to

communicate to Congress, or of any course he may advise them to pursue. This rule is not applicable to the Government of the United States alone, but, in common with it, to all those in which the constitutional powers are distributed into different branches. No such nation desirous of avoiding foreign influence or foreign interference in its councils; no such nation possessing a due sense of its dignity and independence, can long submit to the consequences of this interference. When these are felt, as they soon will be, all must unite in repelling it, and acknowledge that the United States are contending in a cause common to them all, and more important to the liberal Governments of Europe than even to themselves; for it is too obvious to escape the slightest attention that the Monarchies of Europe by which they are surrounded will have all the advantage of this supervision of the domestic councils of their neighbors without being subject to it themselves. It is true that in the representative Governments of Europe executive communications to legislative bodies have not the extension that is given to them in the United States, and that they are therefore less liable to attack on that quarter; but they must not imagine themselves safe. In the opening address, guarded as it commonly is, every proposition made by the ministry, every resolution of either chamber, will offer occasions for the jealous interference of national punctilio, for all occupy the same grounds. No intercommunication of the different branches of Government will be safe, and even the courts of justice will afford no sanctuary for freedom of decision and of debate, and the susceptibility of foreign powers must be consulted in all the departments of Government. Occasions for intervention in the affairs of other countries are but too numerous at present, without opening another door to encroachments; and it is no answer to the argument to say that no complaints will be made but for reasonable cause, and that of this, the nation complained of being the judge, no evil can ensue. But this argument concedes the right of examining the communications in question, which is denied. Allow it and you will have frivolous as well as grave complaints to answer, and must not only heal the wounds of a just national pride, but apply a remedy to those of a morbid susceptibility. To show that my fear of the progressive nature of these encroachments is not imaginary, I pray leave to call your excellency's attention to the inclosed report from the Secretary of State to the President. It is offered for illustration, not for complaint; I am instructed to make none. Because the Government of France has taken exceptions to the President's opening message, the chargé d'affaires of France thinks it his duty to protest against a special communication, and to point out the particular passages in a correspondence of an American minister with his own Government to the publication of which he objects. If the principle I contest is just, the chargé d'affaires is right. He has done his duty as a vigilant supervisor of the President's correspondence. If the principle is admitted, every diplomatic agent at Washington will do the same, and we shall have twenty censors of the correspondence of the Government and of the public press. If the principle is correct, every communication which the President makes in relation to our foreign affairs, either to the Congress or to the public, ought in prudence to be previously submitted to these ministers, in order to avoid disputes and troublesome and humiliating explanations. If the principle be submitted to, neither dignity nor independence is left to the nation. To submit even to a discreet exercise of such a privilege would be troublesome and degrading, and the inevitable abuse of it could not be borne. It must therefore be resisted at the threshold, and its entrance forbidden into the sanctuary of domestic consultations. But whatever may be the principles of other governments, those of the United States are fixed; the right will never be acknowledged, and any attempt to enforce it will be repelled by the undivided energy of the nation

I pray your excellency to observe that my argument does not deny a right to all foreign powers of taking proper exceptions to the governmental acts and language

of another. It is to their interference in its consultations, in its proceedings while yet in an inchoate state, that we object. Should the President do an official executive act affecting a foreign power, or use exceptionable language in addressing it through his minister or through theirs; should a law be passed injurious to the dignity of another nation—in all these and other similar cases a demand for explanation would be respectfully received, and answered in the manner that justice and a regard to the dignity of the complaining nation would require.

After stating these principles, let me add that they have not only been theoretically adopted, but that they have been practically asserted. On two former occasions exceptions of the same nature were taken to the President's message by the Government of France, and in neither did they produce any other explanation than that derived from the nature of our Government, and this seems on those occasions to have been deemed sufficient, for in both cases the objections were virtually abandoned—one when Messrs. Marshall, Gerry, and Pinckney were refused to be received, and again in the negotiation between Prince Polignac and Mr. Rives. In the former case, although the message of the President was alleged as the cause of the refusal to receive the ministers, yet without any such explanation their successors were honorably accredited. In the latter case the allusion in the message to an apprehended collision was excepted to, but the reference made by Mr. Rives to the constitutional duties of the President seems to have removed the objection.

Having demonstrated that the United States can not in any case permit their Chief Magistrate to be questioned by any foreign government in relation to his communications with the coordinate branches of his own, it is scarcely necessary to consider the case of such an explanation being required as the condition on which the fulfillment of a treaty or any pecuniary advantage was to depend. The terms of such a proposition need only be stated to show that it would be not only inadmissible, but rejected as offensive to the nation to which it might be addressed. In this case it would be unnecessary as well as inadmissible. France has already received, by the voluntary act of the President, every explanation the nicest sense of national honor could desire. That which could not have been given to a demand, that which can never be given on the condition now under discussion, a fortunate succession of circumstances, as I shall proceed to shew, has brought about. Earnestly desirous of restoring the good understanding between the two nations, as soon as a dissatisfaction with the President's message was shewn I suppressed every feeling which the mode of expressing that dissatisfaction was calculated to produce, and without waiting for instructions I hastened on my own responsibility to make a communication to your predecessor in office on the subject. In this, under the reserve that the President could not be called on for an explanation, I did in fact give one that I thought would have removed all injurious impressions.

This is the first of the fortunate circumstances to which I have alluded—fortunate in being made before any demand implying a right to require it; fortunate in its containing, without any knowledge of the precise parts of the message which gave offense, answers to all that have since come to my knowledge. I can easily conceive that the communication of which I speak, made, as I expressly stated, without previous authority from my Government, might not have had the effect which its matter was intended to produce, but it has since (as I have now the honor to inform your excellency) received from the President his full and unqualified approbation; but it is necessary to add that this was given before he had any intimation of an intention to attach it as a condition to the payment of the indemnity due by the treaty, given not only when he was ignorant of any such intent, but when he was informed by France that she intended to execute the treaty and saw by the law which was introduced that it was not to be fettered by any such condition. Thus that is already done by a voluntary act which could not have been done when required

as a right, still less when made, what will unquestionably in the United States be considered degrading, as a condition. At this time, sir, I would for no consideration enter into the details I then did. If I could now so far forget what under present circumstances would be due to the dignity of my country, I should be disavowed, and deservedly disavowed, by the President. It is happy, therefore, I repeat, that the good feeling of my country was evinced in the manner I have stated at the only time when it could be done with honor; and though present circumstances would forbid my making the communication I then did, they do not prevent my referring to it for the purpose of shewing that it contains, as I have stated it does, everything that ought to have been satisfactory. Actual circumstances enable me to do this now. Future events, which I need not explain, may hereafter render it improper, and it may be nugatory unless accepted as satisfactory before the occurrence of those events. Let it be examined with the care which the importance of giving it a true construction requires. The objections to the message, as far as I can understand, for they have never been specified, are:

First. That it impeaches the good faith of His Majesty's Government.

Secondly. That it contains a menace of enforcing the performance of the treaty by reprisals.

On the first head, were I now discussing the terms of the message itself, it would be easy to shew that it contains no such charge. The allegation that the stipulations of a treaty have not been complied with, that engagements made by ministers have not been fulfilled, couched in respectful terms, can never be deemed offensive, even when expressly directed to the party whose infractions are complained of, and consequently can never give cause for a demand of explanation; otherwise it is evident that no consideration of national injuries could ever take place. The message, critically examined on this point, contains nothing more than such an enumeration of the causes of complaint. As to its terms, the most fastidious disposition can not fasten on one that could be excepted to. The first refusal and subsequent delay are complained of, but no unworthy motives for either are charged or insinuated. On the whole, if I were commissioned to explain and defend this part of the message, I should say with the conviction of truth that it is impossible to urge a complaint in milder or more temperate terms; but I am not so commissioned. I am endeavoring to shew not only that every proper explanation is given in my letter to M. de Rigny of the 29th of January last, but that in express terms it declares that the sincerity of His Majesty's Government in their desire to execute the treaty was not doubted. Suffer me to draw your excellency's attention to the passages alluded to. In discussing the nature of M. Sérurier's engagement I say:

"It is clear, therefore, that more was required than the expression of a desire on the part of His Majesty's ministers to execute the treaty, *a desire the sincerity of which was never doubted, but which might be unavailing, as its accomplishment depended on the vote of the Chambers.*"

Again, in speaking of the delay which occurred in the month of December, I say:

"It is referred to, I presume, in order to shew that it was produced by a desire on the part of His Majesty's ministers the better to assure the passage of the law. Of this, sir, I never had a doubt, and immediately so advised my Government, and informed it, as was the fact, that I perfectly acquiesced in the delay."

Thus it must be evident, not only that no offensive charge of ill faith is made in the message, but that, as is expressly stated in the first extract, full justice was done at Washington to the intentions of the French Government. While the delay is complained of as a wrong, no improper motives are attributed to the Government in causing it. Again, sir, the whole tenor of that part of my letter which relates to the inexecution of the promise made by M. Sérurier, while it asserts the construction put upon it by the President to be the true one, and appeals to facts and

circumstances to support that construction, yet it avoids charging the French Government with any intentional violation, by attributing their delay to an erroneous construction only; for in the letter (I again quote literally) I say:

"I have entered into this detail with the object of showing that although the ministers of the King, under the interpretation they seem to have given to M. Sérurier's promise, may have considered themselves at liberty to defer the presentation of the law until the period which they thought would best secure its success, yet the President, interpreting that promise differently, feeling that in consequence of it he had forborne to do what might be strictly called a duty, and seeing that its performance had not taken place, could not avoid stating the whole case clearly and distinctly to Congress."

Thus, sir, the President, in stating the acts of which he thought his country had reason to complain, does not make a single imputation of improper motive, and to avoid all misconstruction he offers a voluntary declaration that none such were entertained.

The part of the message which seems to have caused the greatest sensation in France is that in which, after a statement of the causes of complaint, it enters into a consideration of the measures to obtain redress which in similar cases are sanctioned by the laws of nations. The complaint seems to be that, in a discussion it was impossible to avoid, of the efficacy and convenience of each, a preference was given to reprisals, considered as a remedial, not as a hostile, measure, and this has been construed into a menace. If any explanations were necessary on this head, they are given in the message itself. It is there expressly disavowed, and the power and high character of France are appealed to to shew that it never could be induced by threats to do what its sense of justice denied. If the measure to which I have more than once alluded should be resorted to, and the humiliation attending a compliance with it could be endured; if it were possible under such circumstances to give an explanation, what more could be required than that which is contained in the message itself that it was not intended as a menace? If the measure to which I alluded should be adopted and submitted to, what would His Majesty's Government require? The disavowal of any intent to influence the councils of France by threats? They have it already. It forms a part of the very instrument which caused the offense, and I will not do them the injustice to think that they could form the offensive idea of requiring more. The necessity of discussing the nature of the remedies for the nonexecution of the treaty, the character and spirit in which it was done, are explained in my letter so often referred to, and I pray your excellency to consider the concluding part of it, beginning with the quotation I have last made. But if I wanted any argument to shew that no explanation of this part of the message was necessary or could be required, I should find it in the opinion—certainly a just one—expressed by His Majesty's ministers, that the recommendation of the President not having been adopted by the other branches of the Government it was not a national act, and could not be complained of as such. Nay, in the note presented by M. Sérurier to the Government at Washington and the measures which it announces (his recall and the offer of my passports) the Government of His Majesty seem to have done all that they thought its dignity required, for they at the same time declare that the law providing for the payment will be presented, but give no intimation of any previous condition and annex none to the bill which they present. The account of dignity being thus declared by this demonstration to be settled, it can not be supposed that it will again be introduced as a set-off against an acknowledged pecuniary balance. Before I conclude my observations on this part of the subject it will be well to inquire in what light exceptions are taken to this part of the message, whether as a menace generally or to the particular measure proposed. In the first view, if every measure that a Government having claims on another declares it must pursue if those claims are not allowed (whatever may be the terms

employed) is a menace, it is necessary, and not objectionable unless couched in offensive language; it is a fair declaration of what course the party making it intends to pursue, and except in cases where pretexts were wanted for a rupture have rarely been objected to, even when avowedly the act of the nation, not, as in this case, a proposal made by one branch of its Government to another. Instances of this are not wanting, but need not be here enumerated. One, however, ought to be mentioned, because it is intimately connected with the subject now under discussion. While the commerce of the United States was suffering under the aggressions of the two most powerful nations of the world the American Government, in this sense of the word, menaced them both. It passed a law in express terms declaring to them that unless they ceased their aggressions America would hold no intercourse with them; that their ships would be seized if they ventured into American ports; that the productions of their soil or industry should be forfeited. Here was an undisguised menace in clear, unequivocal terms, and of course, according to the argument against which I contend, neither France nor England could deliberate under its pressure without dishonor. Yet the Emperor of France, certainly an unexceptionable judge of what the dignity of his country required, did deliberate, did accept the condition, did repeal the Berlin and Milan decrees, did not make any complaint of the act as a threat, though he called it an injury. Great Britain, too, although at that time on not very friendly terms with the United States, made no complaint that her pride was offended. Her minister on the spot even made a declaration that the obnoxious orders were repealed. It is true he was disavowed, but the disavowal was accompanied by no objections to the law as a threat. Should the objection be to the nature of the remedy proposed, and that the recommendation of reprisals is the offensive part, it would be easy to show that it stands on the same ground with any other remedy; that it is not hostile in its nature; that it has been resorted to by France to procure redress from other powers, and by them against her, without producing war. But such an argument is not necessary. This is not the case of a national measure, either of menace or action; it is a recommendation only of one branch of Government to another, and France has itself shown that a proposal of this nature could not be noticed as an offense. In the year 1808 the Senate of the United States annexed to the bill of nonintercourse a section which not only advised but actually authorized the President to issue letters of marque and reprisal against both France and England, if the one did not repeal the Berlin and Milan decrees and the other did not revoke the orders in council. This clause was not acceded to by the Representatives, but it was complete as the act of the Senate; yet neither France nor England complained of it as an indignity. Both powers had ministers on the spot, and the dignity of neither seems to have been offended.

If the view I have now taken of the subject be correct; if I have succeeded in conveying to His Majesty's ministers the conviction I myself feel that no right exists in any foreign nation to ask explanations of or even to notice any communications between the different branches of our Government; that to admit it even in a single instance would be a dangerous precedent and a derogation from national dignity, and that in the present instance an explanation that ought to be satisfactory has been voluntarily given, I have then demonstrated that any measure founded on such supposed right is not only inadmissible, but is totally unnecessary, and consequently that His Majesty's ministers may at once declare that previous explanations given by the minister of the United States, and subsequently approved by the President, had satisfied them on the subject of the message.

The motives of my Government during the whole course of this controversy have been misunderstood or not properly appreciated, and the question is daily changing its character. A negotiation entered into for procuring compensation to individuals involved no positive obligation on their Governments to prosecute it to extremities. A solemn treaty, ratified by the constitutional organs of the two

powers, changed the private into a public right. The Government acquires by it a perfect right to insist on its stipulations. All doubts as to their justice seem now to have been removed, and every objection to the payment of a debt acknowledged to be just will be severely scrutinized by the impartial world. What character will be given to a refusal to pay such a debt on the allegation, whether well or ill founded, of an offense to national honor it does not become me to say. The French nation are the last that would ever appreciate national honor by any number of millions it could withhold as a compensation for an injury offered to it. The United States, commercial as they are, are the last that would settle such an account. The proposition I allude to would be unworthy of both, and it is sincerely to be hoped that it will never be made.

To avoid the possibility of misapprehension, I repeat that this communication is made with the single view of apprising His Majesty's Government of the consequences attending a measure which without such notice they might be inclined to pursue; that although I am not authorized to state what measures will be taken by the United States, yet I speak confidently of the principles they have adopted, and have no doubt they will never be abandoned.

This is the last communication I shall have the honor to make. It is dictated by a sincere desire to restore a good intelligence, which seems to be endangered by the very measure intended to consolidate it. Whatever be the result, the United States may appeal to the world to bear witness that in the assertion of the rights of their citizens and the dignity of their Government they have never swerved from the respect due to themselves and from that which they owe to the Government of France.

I pray your excellency to receive the assurance of the high consideration with which I have the honor to be, your most obedient servant,

EDW. LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

WASHINGTON, *June 29, 1835.*

Hon. JOHN FORSYTH,
Secretary of State, etc.

SIR: After having by my note to the Duke de Broglie dated the 25th April last made a final effort to preserve a good understanding between the United States and France by suggesting such means of accommodation as I thought were consistent with the honor of the one country to offer and of the other to accept, I determined to avail myself of the leave to return which was given by your dispatch, No. —, rather than to remain, as I had desired to do, in England waiting the result of my last communication. This step having been approved by the President, I need not here refer to the reasons which induced me to take it. Having received my passports, I left Paris on the 29th of April. At the time of my departure the note, of which a copy has been transmitted to you, asking an explanation of the terms used in Mr. Sérurier's communication to the Department remained unanswered, but I have reason to believe that the answer when given will be satisfactory.

The principal business with which I was charged having thus been brought to a close, I presume that my services can no longer be useful to my country, and I therefore pray that the President will be pleased to accept my resignation of the trust with which I have been honored. I shall terminate it by transmitting to the Department some papers relating to matters of minor importance which I soon expect to receive, and will add the explanations which may yet be wanting to give a full view of the affairs of the mission up to the time of my leaving France.

I have the honor to be, sir, with perfect respect, your most obedient servant,

EDW. LIVINGSTON.

Mr. Forsyth to Mr. Livingston.

DEPARTMENT OF STATE,
Washington, June 30, 1835.

EDWARD LIVINGSTON, Esq.,
Washington.

SIR: Your letter of the 29th instant has been laid before the President, and I am directed to reply that the President can not allow you, who have been so long and usefully employed in the public service, to leave the trust last confided to you without an expression of his regard and respect, the result of many years of intimate association in peace and war. Although differing on some points of general policy, your singleness of purpose, perfect integrity, and devotion to your country have been always known to him. In the embarrassing and delicate position you have lately occupied your conduct, and especially your last official note in closing your correspondence with the French Government, has met his entire approbation, exhibiting as it does, with truth, the anxious desire of the Government and the people of the United States to maintain the most liberal and pacific relations with the nation to which you were accredited, and a sincere effort to remove ill-founded impressions and to soothe the feelings of national susceptibility, even when they have been unexpectedly excited, while at the same time it discourages with a proper firmness any expectation that the American Government can ever be brought to allow an interference inconsistent with the spirit of its institutions or make concessions incompatible with its self-respect. The President is persuaded that he will be sustained in these opinions by the undivided sentiment of the American people, and that you will carry into a retirement which he trusts may be temporary the consciousness not only of having performed your duty, but of having realized the anticipations of your fellow-citizens and secured for yourself and your country the just appreciation of the world.

I am, sir, very respectfully, your obedient servant,

JOHN FORSYTH.

SPECIAL MESSAGES.

WASHINGTON CITY, *December 8, 1835.*

To the Senate and House of Representatives of the United States:

I transmit herewith a report from the Secretary of the Treasury, exhibiting certain transfers of appropriations that have been made in that Department in pursuance of the power vested in the President by the act of Congress of the 3d of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

ANDREW JACKSON.

WASHINGTON, *December 9, 1835.*

To the Senate and House of Representatives.

GENTLEMEN: I herewith communicate, for the information of Congress, a report of the Secretary of War, with accompanying documents, showing the progress made during the present year in the astronomical

observations made under the act of the 14th of July, 1832, relative to the northern boundary of the State of Ohio.

The controversy between the authorities of the State of Ohio and those of the Territory of Michigan in respect to this boundary assumed about the time of the termination of the last session of Congress a very threatening aspect, and much care and exertion were necessary to preserve the jurisdiction of the Territorial government under the acts of Congress and to prevent a forcible collision between the parties. The nature and course of the dispute and the measures taken by the Executive for the purpose of composing it will fully appear in the accompanying report from the Secretary of State and the documents therein referred to.

The formation of a State government by the inhabitants of the Territory of Michigan and their application, now pending, to be admitted into the Union give additional force to the many important reasons which call for the settlement of this question by Congress at their present session.

ANDREW JACKSON.

WASHINGTON, *December 9, 1835.*

To the Senate and House of Representatives.

GENTLEMEN: By the act of the 11th of January, 1805, all that part of the Indiana Territory lying north of a line drawn due "east from the southerly bend or extreme of Lake Michigan until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States," was erected into a separate Territory by the name of Michigan.

The territory comprised within these limits being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that whenever any of the States into which the same should be divided should have 60,000 free inhabitants such State should be admitted by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government, provided the constitution and State government so to be formed shall be republican, and in conformity to the principles contained in these articles, etc., the inhabitants thereof have during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

ANDREW JACKSON

WASHINGTON, *December 17, 1835.*

THE VICE-PRESIDENT OF THE UNITED STATES AND PRESIDENT OF THE SENATE:

I transmit, for the consideration of the Senate with a view to its ratification, a convention between the United States and the United Mexican States, concluded and signed by the plenipotentiaries of the respective parties at the City of Mexico on the 3d of April, 1835, and the object of which is to extend the time for the appointment of their commissioners and surveyors provided for by the third article of the treaty of limits between them of the 12th of January, 1835.

ANDREW JACKSON.

WASHINGTON, *December 17, 1835.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, accompanying copies of certain papers relating to a bequest to the United States by Mr. James Smithson, of London, for the purpose of founding "at Washington an establishment under the name of the Smithsonian Institution, for the increase and diffusion of knowledge among men." The Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary.

ANDREW JACKSON.

WASHINGTON, *December 22, 1835.*

To the Congress of the United States:

I transmit herewith, for the information of Congress, a report from the War Department, on the condition of the Cumberland road in the States of Illinois and Indiana.

ANDREW JACKSON.

WASHINGTON, *December 22, 1835.*

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention signed at Paris by the plenipotentiaries of the United States and the Swiss Confederation on the 6th of March last. A copy of the convention is also transmitted for the convenience of the Senate.

ANDREW JACKSON.

DECEMBER 23, 1835.

To the Senate of the United States:

I hereby submit, for the advice and sanction of the Senate, the inclosed proposal of the Secretary of the Treasury for the investment of the proceeds of the sales of public lands in behalf of the Chickasaw Indians under the treaties therein mentioned.

ANDREW JACKSON.

WASHINGTON, *January 11, 1836.*

To the Senate and House of Representatives of the United States:

Having laid before Congress on the 9th ultimo the correspondence which had previously taken place relative to the controversy between Ohio and Michigan on the question of boundary between that State and Territory, I now transmit reports from the Secretaries of State and War on the subject, with the papers therein referred to.

ANDREW JACKSON.

WASHINGTON, *January 12, 1836.*

To the Senate:

I transmit herewith, for the consideration and advice of the Senate as to the ratification of the same, the two treaties concluded with the Carmanchee Indians and with the Caddo Indians referred to in the accompanying communication from the War Department.

ANDREW JACKSON.

WASHINGTON, *January 15, 1836.*

To the Senate and House of Representatives.

GENTLEMEN: In my message at the opening of your session I informed you that our chargé d'affaires at Paris had been instructed to ask for the final determination of the French Government in relation to the payment of the indemnification secured by the treaty of the 4th of July, 1831, and that when advices of the result should be received it would be made the subject of a special communication.

In execution of this design I now transmit to you the papers numbered from 1 to 13, inclusive, containing among other things the correspondence on this subject between our chargé d'affaires and the French minister of foreign affairs, from which it will be seen that France requires as a condition precedent to the execution of a treaty unconditionally ratified and to the payment of a debt acknowledged by all the branches of her Government to be due that certain explanations shall be made of which she dictates the terms. These terms are such as that Government has already been officially informed can not be complied with, and if persisted in they must be considered as a deliberate refusal on the part of France to fulfill engagements binding by the laws of nations and held sacred by the whole civilized world. The nature of the act which France requires from this Government is clearly set forth in the letter of the French minister marked No. 4. We will pay the money, says he, when "*the Government of the United States is ready on its part to declare to us, by addressing its claim to us officially in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to*

call in question the good faith of the French Government nor to take a menacing attitude toward France." And he adds: "*If the Government of the United States does not give this assurance we shall be obliged to think that this misunderstanding is not the result of an error.*" In the letter marked No. 6 the French minister also remarks that "*the Government of the United States knows that upon itself depends henceforward the execution of the treaty of July 4, 1831.*"

Obliged by the precise language thus used by the French minister to view it as a peremptory refusal to execute the treaty except on terms incompatible with the honor and independence of the United States, and persuaded that on considering the correspondence now submitted to you you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands if the claim of interfering in the communications between the different branches of our Government shall be persisted in. This pretension is rendered the more unreasonable by the fact that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than to her justice? She has already had it, frankly and explicitly given by our minister accredited to her Government, his act ratified by me, and my confirmation of it officially communicated by him in his letter to the French minister of foreign affairs of the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate and which will involve an acknowledgment of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their executive government forbid it.

As the answer of the French minister to our chargé d'affaires at Paris contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the Secretary of State relative to that letter, and to accompany the same with such explanations as will enable you to understand the course of the Executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that on the return of our minister to the United States I caused my official approval of the explanations he had given to the French minister of foreign affairs to be made public. As the French Government had noticed the message without its being officially communicated, it was not doubted that if they were disposed to pay the money due to us they would notice any public explanation

of the Government of the United States in the same way. But, contrary to these well-founded expectations, the French ministry did not take this fair opportunity to relieve themselves from their unfortunate position and to do justice to the United States.

Whilst, however, the Government of the United States was awaiting the movements of the French Government in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French chargé d'affaires in Washington, who desired to read to him a letter he had received from the French minister of foreign affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6, herewith transmitted. It was an attempt to make known to the Government of the United States privately in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the 25,000,000 francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions made in it were in their substance wholly inadmissible. Not being in the shape of an official communication to this Government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the Executive or the Legislature, and the Secretary of State did not think proper to ask a copy, because he could have no use for it. Copies of papers marked Nos. 9, 10, and 11 shew an attempt on the part of the French chargé d'affaires to place a copy of this letter among the archives of this Government, which for obvious reasons was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest by the subsequent avowal of the French chargé d'affaires that the object was to bring this letter before Congress and the American people. If foreign agents, on a subject of disagreement between their government and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights and the respect due to others than to attempt to use the Executive as the passive organ of their communications.

It is due to the character of our institutions that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplicity, and that in all cases of importance the communications received or made by the Executive should assume the accustomed official form. It is only by insisting on this form that foreign powers can be held to full responsibility, that their communications can be officially replied to, or that the advice or interference of the Legislature can with propriety be invited by the President. This course is also best calculated,

on the one hand, to shield that officer from unjust suspicions, and on the other to subject this portion of his acts to public scrutiny, and, if occasion shall require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question inasmuch as, in addition to other important interests, it very intimately concerned the national honor—a matter in my judgment much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French minister of foreign affairs was read to the Secretary of State on the 11th of September last. This was the first authentic indication of the specific views of the French Government received by the Government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French Government, on receiving that information in the same manner as the alleged offensive message had reached them, would desist from their extraordinary demand and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination and the ground they intended to occupy, the instructions were given to our chargé d'affaires which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets and a direct explanation addressed to France with a distinct intimation that this is a *sine qua non*.

Mr. Barton having, in pursuance of his instructions, returned to the United States and the charge d'affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended, a state of things originating in an unreasonable susceptibility on the part of the French Government and rendered necessary on our part by their refusal to perform engagements contained in a treaty from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and that legislative action should be brought to sustain Executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship and to unite the two nations in the bonds of amity and of a mutually beneficial commerce, she can not justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies I have heretofore had occasion to speak, and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period France, by all the departments of her Government, has acknowledged the validity

of our claims and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, and under all existing circumstances, it appears to me that until such a determination shall have become evident it will be proper and sufficient to retaliate her present refusal to comply with her engagements by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former in the present posture of our affairs as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse if the Government of France shall render us the justice that is due, and also as a proper preliminary step to stronger measures should their adoption be rendered necessary by subsequent events.

The return of our chargé d'affaires is attended with public notices of naval preparations on the part of France destined for our seas. Of the cause and intent of these armaments I have no authentic information, nor any other means of judging except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy appropriations for the increase of the Navy and the completion of our coast defenses.

If this array of military force be really designed to affect the action of the Government and people of the United States on the questions now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation which France demands can never be accorded, and no armament, however powerful and imposing, at a distance or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, our national character, and to the world.

The House of Representatives at the close of the last session of Congress unanimously resolved that the treaty of the 4th of July, 1831, should be maintained and its execution insisted on by the United States. It is due to the welfare of the human race not less than to our own interests and honor that this resolution should at all hazards be adhered to. If after so signal an example as that given by the American people during their long-protracted difficulties with France of forbearance under accumulated wrongs and of generous confidence in her ultimate return to

justice she shall now be permitted to withhold from us the tardy and imperfect indemnification which after years of remonstrance and discussion had at length been solemnly agreed on by the treaty of 1831 and to set at naught the obligations it imposes, the United States will not be the only sufferers. The efforts of humanity and religion to substitute the appeals of justice and the arbitrament of reason for the coercive measures usually resorted to by injured nations will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves and so fatal to the hopes of the philanthropist we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our Government, and the honor of our country, but do much, it may be hoped, to vindicate the faith of treaties and to promote the general interests of peace, civilization, and improvement.

ANDREW JACKSON.

No. 1.

Mr. Forsyth to Mr. Barton.

DEPARTMENT OF STATE,
Washington, June 28, 1835.

THOMAS P. BARTON, Esq., etc.

SIR: Mr. Livingston arrived here the day before yesterday. By the mail of yesterday your letter of the 7th of May, with a copy of Mr. Livingston's last note to the Duke de Broglie, was received.

After an attentive examination of Mr. Livingston's correspondence with this Department and the Government of France, elucidated by his verbal explanations, the President has directed me to say to you that the Messrs. de Rothschild have been authorized by the Treasury Department to receive the money due under the treaty with France. Of this authority they will be directed to give notice to the French Government without demanding payment. For yourself, you will, if the bill of indemnity is rejected, follow Mr. Livingston to the United States. If the money is placed at the disposal of the King, conditionally, by the legislature of France, you will await further orders from the United States, but maintain a guarded silence on the subject of the indemnity. If approached by the Government of France, directly or indirectly, you will hear what is said without reply, state what has occurred in full to the Department, and await its instructions. It is the desire of the President that you will make not even a reference to the subject of the treaty in your intercourse with the French Government until the course intended to be pursued is definitely explained to the United States. Whatever may be said to the Messrs. de Rothschild it will be their duty to report to you as well as to the Treasury Department, and whenever they converse with you they must be reminded that it is expected that they will wait for express notice from the Government of France that it is ready to pay before an application for payment is made.

The course adopted by Mr. Livingston has been fully approved, and the hope is indulged that his representations have had their just influence on the counsels of the King of France. However that may be, the President's determination is that the terms upon which the two Governments are to stand toward each other shall be regulated so far as his constitutional power extends by France.

A packet from the Treasury, addressed to the Messrs. de Rothschild, and containing the instructions of the Secretary, accompanied by a special power appointing

them the agents of the United States to receive the payments due under the treaty of 1831, is forwarded herewith. The copy of a letter from this Department to M. Pageot is also inclosed for your perusal.

I am, sir, your obedient servant, JOHN FORSYTH.

No. 2.

Mr. Forsyth to Mr. Barton.

DEPARTMENT OF STATE,
Washington, September 14, 1835.

THOMAS P. BARTON, Esq., etc.

SIR: So much time will have elapsed before this dispatch can reach you, since the passage of the law by the French Chambers placing at the disposition of the King the funds to fulfill the treaty with the United States, that it is presumed the intention of the French Government will have been by that period disclosed. It is proper therefore, in the opinion of the President, that you should receive your last instructions in relation to it. It has always been his intention that the legation of the United States should leave France if the treaty were not fulfilled. You have been suffered to remain after the departure of Mr. Livingston under the expectation that the Government of France would find in all that has occurred its obligation to proceed forthwith to the fulfillment of it as soon as funds were placed in its hands. If this expectation is disappointed, you must ask for your passports and return to the United States. If no movement has been made on the part of France and no intimation given to you or to the banker of the United States who is the authorized agent of the Treasury to receive the installments due of the time that payment will be made, you are instructed to call upon the Duke de Broglie and request to be informed what are the intentions of the Government in relation to it, stating that you do so by orders of your Government and with a view to regulate your conduct by the information you may receive from him. In the present agitated state of France it is the particular desire of the President that your application should be made in the most conciliatory tone and your interview with the Duke marked by expressions, as coming from your Government, of great personal respect for that minister and of an anxious desire for the safety of the King of France. If the Duke should inform you that the money is to be paid on any fixed day, you will remain in France; otherwise you will apply for your passports, and state the reason to be that the treaty of indemnity has not been executed by France.

The President especially directs that you should comply with these instructions so early that the result may be known here before the meeting of Congress, which takes place on the 7th of December next.

I am, sir, your obedient servant, JOHN FORSYTH.

No. 3.

Mr. Barton to the Duke de Broglie.

[Translation.]

D.

LEGATION OF THE UNITED STATES OF AMERICA,
Paris, October 24, 1835.

His Excellency the DUKE DE BROGLIE,
Minister of Foreign Affairs, etc.

MONSIEUR LE DUC: Having executed to the letter the last instructions of my Government in the interview which I had the honor to have with your excellency on the 20th of this month, in order further to comply with those instructions I am

about to return to the United States. Before leaving France, however, I have thought that it might not be altogether useless to address your excellency and to submit to you the conversation which then took place between us, word for word, as I understood it. In pursuing this course I am prompted by a double motive: First, by a sincere desire to avoid even the slightest misunderstanding as to the precise meaning of any expressions used on either part, and also with a view, in presenting myself to my Government, to furnish indisputable proof of my fidelity in executing the instructions with which I had the honor to be charged. This last motive, Monsieur le Duc, does not interest you personally, but the first, I am sure, will not appear without importance in your eyes.

Having said that I was instructed to employ both language and manner the most conciliatory, I begged you to believe, should anything appear to you not to partake of that character, that the fault must be attributed *to me alone*, and not to my Government, as in that case I should be certain that I neither represented its disposition nor faithfully obeyed its orders.

I began the conversation by informing you that I had requested an interview by order of my Government, and that on the result of that interview would depend my future movements. I said that I was ordered to convey to the French Government assurances of the very lively satisfaction felt by the President on receiving the news and confirmation of the King's safety, and that I was further instructed by the Secretary of State to assure you personally of his high consideration. After an obliging answer of your excellency I had the honor to submit the following question:

"I am instructed by my Government to inquire of your excellency what are the intentions of His Majesty's Government in relation to the funds voted by the Chambers."

And I understood you to make the following answer:

"Having written a dispatch to His Majesty's chargé d'affaires at Washington, with instructions to communicate it to Mr. Forsyth, and M. Pageot having read it to Mr. Forsyth, I have nothing to say in addition to that dispatch."

I said:

"I am also instructed to inquire of your excellency whether His Majesty's Government is ready to pay those funds."

And you returned this answer:

"Yes, in the terms of the dispatch."

I added:

"I am instructed to ask another question: Will His Majesty's Government name any fixed determined period when they will be disposed to pay those funds?"

To this question the following was your excellency's answer, as I understood it:

"To-morrow, if necessary. When the Government of the United States shall by a written official communication have expressed its regret at the misunderstanding which has taken place between the two Governments, assuring us that this misunderstanding was founded on an error—that it did not intend to call in question the good faith of His Majesty's Government—the funds are there; we are ready to pay. In the dispatch to M. Pageot we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of that dispatch, and having said that the Government of the United States could not receive a communication in such a form, I have nothing to add. I am forced to retrench myself behind that dispatch. If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error, and the business will stop there."

To your excellency's offer to communicate to me the dispatch to M. Pageot I replied that as my instructions had no reference to that question I did not think myself authorized to discuss it.

After some minutes I rose and said:

"In a short time I shall have the honor of writing to your excellency."

You answered:

"I shall at all times receive with pleasure any communication addressed to me on the part of the Government of the United States."

And our conversation ended.

Such, Monsieur le Duc, as far as my memory serves me, are the literal expressions employed by both of us. Should you discover any inaccuracies in the relation which I have the honor to submit to you, it will give me pleasure, as it will be my duty, to correct them. If, on the contrary, this relation should appear to you in every respect conformable to the truth, I take the liberty of claiming from your kindness a confirmation of it, for the reasons which I have already, I believe, sufficiently explained.

I eagerly avail myself of this occasion, Monsieur le Duc, to renew the assurances of very high consideration with which I have the honor to be, your excellency's most obedient, humble servant,

THOS. P. BARTON.

No. 4.

The Duke de Broglie to Mr. Barton.

[Translation.]

E.

PARIS, *October 26, 1835.*

T. P. BARTON,

Chargé d'Affaires of the United States.

SIR: I have received the letter which you did me the honor to address to me on the 24th of this month.

You are desirous to give your Government a faithful account of the conversation which you had with me on the 20th. While communicating to me a statement of that conversation you request me to indicate the involuntary errors which I may remark in it. I appreciate the motives which influence you and the importance which you attach to the exactness of this statement, and I therefore hasten to point out three errors which have found their way into your report, acknowledging at the same time its perfect conformity on all other points with the explanations interchanged between us.

In reply to your question *whether the King's Government would name any fixed and determinate period at which it would be disposed to pay the twenty-five millions* you make me say:

"To-morrow, if necessary. When the Government of the United States shall by a written official communication have expressed its regret at the misunderstanding which has taken place between the two Governments, assuring us that this misunderstanding is founded on an error—that it did not intend to call in question the good faith of His Majesty's Government," etc.

Now, this is what I really said:

"To-morrow, to-day, immediately, if the Government of the United States is ready on its part to declare to us, by addressing its claim (*réclamation*) to us officially in writing that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded upon a mistake, and that it never entered into its intention (*pensée*) to call in question the good faith of the French Government nor to take a menacing attitude toward France."

By the terms of your report I am made to have continued thus:

"In the dispatch to M. Pageot we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of that dispatch,

and having said that the Government of the United States could not receive the communication in that form," etc.

That was not what I said, because such was not the language of Mr. Forsyth to M. Pageot. On refusing the copy offered to him by that chargé d'affaires Mr. Forsyth gave as the only reason *that it was a document of which he could make no use*, and that was the phrase repeated by me.

Mr. Forsyth made no objection to the form which I had adopted to communicate to the Federal Government the views of the King's Government; in fact, not only is there nothing unusual in that form, not only is it employed in the intercourse between one government and another whenever there is a desire to avoid the irritation which might involuntarily arise from an exchange of contradictory notes in a direct controversy, but reflection on the circumstances and the respective positions of the two countries will clearly show that it was chosen precisely in a spirit of conciliation and regard for the Federal Government.

Finally, sir, after having said, "If the Government of the United States does not give this assurance we shall be obliged to think that this misunderstanding is not the result of an error," I did not add, "and the business will stop there." This last error is, however, of so little importance that I hesitated to notice it.

Receive, sir, the assurances of my high consideration.

V. BROGLIE.

No. 5.

Mr. Barton to the Duke de Broglie.

F.

LEGATION OF THE UNITED STATES OF AMERICA,
Paris, November 6, 1835.

His Excellency the DUKE DE BROGLIE,
Minister of Foreign Affairs, etc.

MONSIEUR LE DUC: Having been recalled by my Government, I have the honor to request that your excellency will be pleased to cause passports to be prepared to enable me to proceed to Havre, thence to embark for the United States, and for my protection during the time I may find it necessary to remain in Paris. I am instructed to give as a reason for my departure the nonexecution on the part of His Majesty's Government of the convention of July 4, 1831.

I avail myself of this opportunity, Monsieur le Duc, to renew the assurances of very high consideration with which I have the honor to be, your excellency's most obedient, humble servant,

THOS. P. BARTON.

No. 6.

The Duke de Broglie to Mr. Barton.

[Translation.]

PARIS, *November 8, 1835.*

Mr. BARTON,
Chargé d'Affaires of the United States of America.

SIR: Having taken His Majesty's orders with regard to your communication of the 6th instant, I have the honor to send you herewith the passports which you requested of me. As to the reasons which you have been charged to advance in explanation of your departure, I have nothing to say (*Je n'ai point à m'y arrêter*). The Government of the United States, sir, knows that upon itself depends henceforward the execution of the treaty of July 4, 1831.

Accept, sir, the assurance of my high consideration.

V. BROGLIE.

No. 7.

Mr. Forsyth to Mr. Pageot.

DEPARTMENT OF STATE,
Washington, June 29, 1835.

M. PAGEOT,
Chargé d'Affaires, etc.

SIR: I have the honor to acquaint you, for the information of your Government, that the Secretary of the Treasury has, in conformity with the provisions of the act of Congress of 13th July, 1832, designated the Messrs. de Rothschild Brothers, of Paris, as agents to receive the payments from time to time due to this Government under the stipulations of the convention of 4th July, 1831, between the United States and His Majesty the King of the French, and that the President has granted a special power to the said Messrs. de Rothschild Brothers, authorizing and empowering them, upon the due receipt of the same, to give the necessary acquittances to the French Government, according to the provisions of the convention referred to.

The power given to the Messrs. de Rothschild will be presented by them whenever the French Government is ready to make the payments.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

No. 8.

Mr. Pageot to Mr. Forsyth.

[Translation.]

WASHINGTON, *June 29, 1835.*

Hon. Mr. FORSYTH,
Secretary of State.

SIR: I have received the letter which you did me the honor to address to me this day, and by which you communicate to me, for the information of my Government, that the Secretary of the Treasury, in virtue of the act of Congress of July 13, 1832, has appointed Messrs. de Rothschild Brothers, at Paris, agents for receiving as they become due the several payments of the sum stipulated as indemnification by the convention concluded on the 4th of July, 1831, between His Majesty the King of the French and the United States of America.

I lost no time, sir, in transmitting this communication to my Government, and I embrace this opportunity to offer you the assurance of the high consideration with which I have the honor to be, your most humble and obedient servant,

A. PAGEOT.

No. 9.

Mr. Pageot to Mr. Forsyth.

[Translation.]

WASHINGTON, *December 1, 1835.*

Hon. JOHN FORSYTH,
Secretary of State of the United States.

SIR: On the 11th of September last I had the honor, as I was authorized, to read to you a dispatch which his excellency the minister of foreign affairs had addressed to me on the 17th of June previous, respecting the state of the relations between France and the United States. The object of this communication was to make known to the Cabinet of Washington, in a form often employed, the point of view from which the King's Government regarded the difficulties between the two countries,

and to indicate the means by which, in its opinion, they might be terminated in a manner honorable to both Governments. I was also authorized to allow you, in case you should desire it, to take a copy of this dispatch, but, contrary to the expectation which diplomatic usages in such cases permitted me to entertain, you thought proper to refuse to request it.

I regretted this resolution of yours, sir, at the time, because, in the first place, it appeared to be at variance with (*s'écarter de*) that conciliatory spirit which so particularly characterized the communication just made to you, and, next, as it seemed in a manner to deprive the Cabinet of Washington of the means of knowing in their full extent the views of the King's Government, of which an attentive examination of the Duke de Broglie's letter could alone have enabled it to form a just estimate. These regrets, sir, have not been diminished, and at the moment when the President is about to communicate to Congress the state of the relations between France and the United States I consider it useful and necessary for the interests of all to endeavor to place him in possession of all the facts which may afford him the means of giving an exact account of the real dispositions and views of the King's Government on the subject of the existing difficulties.

With this intention, and from a desire to neglect nothing which, by offering to the American Government another opportunity of making itself acquainted minutely with the highly conciliatory sentiments of His Majesty's Government, may contribute to restore good understanding between the Cabinets of Paris and Washington, I have the honor to transmit to you a copy of the Duke de Broglie's dispatch and to request you to place it under the eye of the President.

I embrace this opportunity, sir, to renew to you the assurance of the high consideration with which I have the honor to be, your most humble and most obedient servant,

A. PAGEOT.

No. 10.

Mr. Forsyth to Mr. Pageot.

DEPARTMENT OF STATE,
Washington, December 3, 1835.

M. PAGEOT,
Chargé d'Affaires, etc.

SIR: I had yesterday the honor to receive your note of the 1st instant, with the accompanying paper, purporting to be a copy of a letter addressed under date of the 17th of June last by His Excellency the Duke de Broglie, minister of foreign affairs of France, to yourself.

After referring to what occurred in our interview of the 11th September in regard to the original letter, and expressing your regrets at the course I then felt it my duty to take, you request me to place the copy inclosed in your letter under the eye of the President.

In allowing you during that interview to read to me the Duke de Broglie's dispatch, which I cheerfully did, you were enabled to avail yourself of that informal mode of apprising this Department of the views of your Government in the full extent authorized by diplomatic usage. The question whether or not I should ask a copy of that dispatch was of course left, as it should have been, by your Government exclusively to my discretion. My reasons for not making that request were frankly stated to you, founded on a conviction that in the existing state of the relations between the two countries the President would think it most proper that every communication upon the subject in difference between them designed to influence his conduct should, before it was submitted to his consideration, be made to assume the official form belonging to a direct communication from one government to another,

by which alone he could be enabled to cause a suitable reply to be given to it and to submit it, should such a step become necessary, to his associates in the Government. I had also the honor at the same time to assure you that any direct communication from yourself as the representative of the King's Government to me, embracing the contents of this dispatch or any other matter you might be authorized to communicate in the accustomed mode, would be laid without delay before the President, and would undoubtedly receive from him an early and just consideration.

It can not have escaped your reflections that my duty required that the circumstances of the interview between us should be reported to the President, and that the discovery of any error on my part in representing his views of the course proper to be pursued on that occasion would without fail have been promptly communicated to you. That duty was performed. The substance of our interview and the reasons by which my course in it had been guided were immediately communicated to and entirely approved by him. I could not, therefore, have anticipated that after so long a period had elapsed, and without any change in the condition of affairs, you should have regarded it as useful or proper to revive the subject at the time and in the form you have seen fit to adopt. Cordially reciprocating, however, the conciliatory sentiments expressed in your note, and in deference to your request, I have again consulted the President on the subject, and am instructed to inform you that the opinion expressed by me in the interview between us, and subsequently confirmed by him, remains unchanged, and I therefore respectfully restore to you the copy of the Duke de Broglie's letter, as I can not make the use of it which you desired.

I am also instructed to say that the President entertains a decided conviction that a departure in the present case from the ordinary and accustomed method of international communication is calculated to increase rather than to diminish the difficulties unhappily existing between France and the United States, and that its observance in their future intercourse will be most likely to bring about the amicable adjustment of those difficulties on terms honorable to both parties. Such a result is sincerely desired by him, and he will omit nothing consistent with the faithful discharge of his duties to the United States by which it may be promoted. In this spirit I am directed by him to repeat to you the assurance made in our interview in September last, that any official communication you may think proper to address to this Government will promptly receive such consideration as may be due to its contents and to the interests involved in the subject to which it may refer.

As the inclosed paper is not considered the subject of reply, you will allow me to add, for the purpose of preventing any misconception in this respect, that my silence in regard to its contents is not to be construed as admitting the accuracy of any of the statements or reasonings contained in it.

I have the honor to renew, etc.

JOHN FORSYTH.

No. 11.

Mr. Pageot to Mr. Forsyth.

[Translation.]

WASHINGTON, *December 5, 1835.*

HON. JOHN FORSYTH,
Secretary of State of the United States.

SIR: I yesterday evening received the letter which you did me the honor to write to me on the 3d of this month. With it you return to me the copy of a dispatch which I had transmitted to you two days before, and the original of which was addressed to me on the 17th of June last by his excellency the minister of foreign affairs.

I will not seek, sir, to disguise from you the astonishment produced in me by the return of a document so very important in the present state of the relations between

the two countries; neither will I undertake to reply to the reasons on which this determination of yours is based. My intention in communicating this document to you in a form not only sanctioned by the diplomatic usages of all nations and all ages, but also the most direct which I could possibly have chosen, was to make known the real dispositions of my Government to the President of the United States, and through him to Congress and the American people, conceiving that in the existing situation of the two countries it was essential that each Government should fully comprehend the intentions of the other. This consideration appeared to me paramount to all others. You have judged otherwise, sir, and you have thought that whatever might be the importance of a communication it was proper before receiving it to examine whether the form in which it came to you were strictly accordant with the usages necessary, in your opinion, to be observed in diplomatic transactions with the Government of the Republic. I will not insist further. I have fulfilled all the duties which appeared to be prescribed for me by the spirit of reconciliation, in conjunction with the respect due by me to all communications from my Government, and nothing more remains for me than to express my deep regret that the misunderstanding between the two Governments, already so serious, should be kept up, not by weighty difficulties which involve the interests and the dignity of the two countries, but by questions of form as uncertain in their principles as doubtful in their application.

I have the honor to renew to you, sir, the assurances of my high consideration.

A. PAGEOT.

No. 12.

Mr. Pageot to Mr. Forsyth.

[Translation.]

WASHINGTON, *January 2, 1836.*

Hon. JOHN FORSYTH,

Secretary of State of the United States.

SIR: I have the honor to announce to you that, in consequence of the recall of Mr. Barton, the King's Government has given me orders to lay down the character of chargé d'affaires of His Majesty near the Government of the United States. I shall therefore immediately begin the preparations for my return to France; but in the meantime I think proper to claim the protection of the Federal Government during the period which I may consider it necessary to remain in the United States.

I have the honor to be, with the most distinguished consideration, sir, your most humble and obedient servant,

A. PAGEOT.

No. 13.

Mr. Forsyth to Mr. Pageot.

DEPARTMENT OF STATE,
Washington, January 2, 1836.

M. ALPHONSE PAGEOT, etc.

SIR: I have the honor to acknowledge your note of this day's date, in which you announce that you have the orders of your Government, given in consequence of the recall of Mr. Barton, to lay aside the character of chargé d'affaires of the King of France near the Government of the United States. The protection of the Federal Government is due and will of course be extended to you during the time necessary for your preparations to return to France.

I am, sir, with great consideration, your obedient servant,

JOHN FORSYTH.

C.

LEGATION OF THE UNITED STATES,
Paris, January 29, 1835.

His Excellency COUNT DE RIGNY,
Minister Secretary of State of Foreign Affairs.

SIR: Having already had occasion to acknowledge the receipt of your excellency's letter of the 13th instant, and to answer that part of it which most urgently required my attention, I proceed to a consideration of the other matters which it contains. I shall do this with a sincere desire to avoid everything that may excite irritation or increase difficulties which already unfortunately exist. Guided by this disposition, I shall confine myself to an examination of your note, considered only as an exposition of the causes which His Majesty's Government thinks it has to complain of in the message sent by the President of the United States to Congress at the opening of its present session.

Your excellency begins by observing that nothing could have prepared His Majesty's Government for the impressions made upon it by the President's message, and that if the complaints he makes were as just as you think them unfounded, still you would have reason to be astonished at receiving *the first communication of them in such a form*. If His Majesty's Government was not prepared to receive complaints on the part of the United States for nonexecution of the treaty, everything I have said and written since I have had the honor of communicating with your excellency and your predecessors in office must have been misunderstood or forgotten. I can scarcely suppose the first, for if my whole correspondence is referred to and my verbal representations recollected they will be found in the most unequivocal language to express an extreme solicitude for the execution of the treaty, a deep disappointment at the several delays which have intervened, and emphatically the necessity which the President would be under of laying the matter before Congress at the time when in fact he has done so if before that period he did not receive notice that the law had passed for giving effect to the treaty. To urge the obligation of the treaty, to prepare His Majesty's Government for the serious consequences that must result from its breach or an unnecessary delay in executing it, was my duty, and it has been faithfully and unremittingly executed. To my own official representation on the 26th I added on the 29th July last the precise instructions I had received, to inform His Majesty's Government that "the President could not avoid laying before Congress on the 1st of December a full statement of the position of affairs on this interesting subject, or permit the session to end, as it must do on the 3d March, without recommending such measures as the justice and the honor of the country may require."

In this alone, then, there was sufficient, independently of my numerous applications and remonstrances, to prepare His Majesty's Government for the just complaints of the United States and for the "impression" they ought to produce, as well as for the "*mode*" in which they were communicated, a mode clearly pointed out in the passage I have quoted from my note of the 29th of July—that is to say, by the annual message from the President to Congress, which, as I have already had occasion to observe, His Majesty's ministers have erroneously considered as addressed directly to them, and, viewing it in that light, have arraigned this document as containing groundless complaints, couched in language not called for by the occasion, and offering for consideration means of redress offensive to the dignity of France. I shall endeavor by a plain exposition of facts to repel those charges. I shall examine them with the freedom the occasion requires, but, suppressing the feelings which some parts of your excellency's letter naturally excite, will, as far as possible, avoid all those topics for recrimination which press upon my mind. The observation I am about to make will not be deemed a departure from this rule, because it is intended

to convey information which seems to have been wanted by His Majesty's minister when on a late occasion he presented a law to the Chamber of Deputies. It is proper, therefore, to state that although the military title of general was gloriously acquired by the present head of the American Government, he is not in official language designated as *General Jackson*, but as "the President of the United States," and that his communication was made in that character.

I proceed now to the examination of that portion of your excellency's letter which attempts to show that the complaints set forth in the President's message are groundless.

It begins by assuming as a principle of argument that after the Chamber of Deputies had rejected the law and His Majesty's Government had promised to present it anew the United States had by receiving that promise given up all right to complain of any anterior delays. I have vainly endeavored, sir, to find any rule of reasoning by which this argument can be supported. It would undoubtedly be much easier to strike off from the case the delays of two years in proposing the law than to justify them.

It is true that the United States, with a moderation and forbearance for which they receive no credit, waited two years, almost without complaint, for the performance of a treaty which engaged the faith of the French nation to pay a just indemnity, for which they had already waited more than twenty years. It is true that His Majesty's Government offered solemn assurances that as soon as the constitution of the country would permit a new attempt would be made to redeem the national pledge given by the treaty. It is true also that the President of the United States gave credit to those assurances; but it is also true—and your excellency seems to lose sight of that important uncontested fact—that formal notice was given that the performance of those promises would be expected according to their letter, and that he could delay no longer than the 1st of December the execution of a duty which those assurances had induced him to postpone. Whatever reasons His Majesty's Government had for not complying with Mr. Sérurier's engagement, or however they may have interpreted it, the President could not be precluded from considering the whole case as open and adding to his statement the wrongs occasioned by the delays anterior to the vote of rejection. Those delays are still unaccounted for, and are rendered more questionable by the preference given to another treaty, although subsequently made, for the guarantee of the Greek loan.

Confining your observations to this second period, you say that the reproaches which the President thinks himself authorized in making to France may be comprised in the following words:

"The Government of the King had promised to present the treaty of July anew to the Chambers as soon as they could be assembled; but they have been assembled on the 31st of July of the last year and the treaty has not yet been presented."

Stating this as the whole of the complaint, you proceed, sir, in your endeavor to refute it.

I am obliged, reluctantly, here to make use of arguments which in the course of this discussion have been often repeated, but which seem to have made no impression on His Majesty's Government. I am obliged, in repelling the reproaches addressed to the President, to bring to your recollection the terms of the promise on which he relied, the circumstances attending it, and the object for which it was given. These must be fully understood and fully waived before the question between us can be resolved.

The circumstances under which Mr. Sérurier's note was written are material in considering its true import. The payment stipulated by a treaty duly ratified on both sides had just been formally refused by a vote of the Chamber of Deputies. More than two years had passed since it had been proclaimed as the law of the land in the United States, and ever since the articles favorable to France had been

in constant operation. Notice of this refusal had some time before been received by the President. It would have been his duty, had nothing else occurred, to communicate to Congress this event, so unexpected and so injurious to the interest of the country. One circumstance prevented the performance of this duty and justified the omission. The notice of the rejection was accompanied by information that the minister of France was instructed to make explanations and engagements on the subject, and that a ship of war would be dispatched with his instructions. The President had waited a month for the arrival of this ship. An unusually long session of Congress still afforded an opportunity for making the communication, even after her arrival. If made it would undoubtedly have produced consequences the nature of which may be imagined by considering the events that have since occurred. It was necessary, then, to prevent an interruption of the friendly relations between the two countries, that this communication should be postponed until the subsequent session of Congress; longer than that it was well known that it could not be deferred. This was clearly and explicitly stated in a conference between Mr. Sérurier and the Secretary of State of the United States, in which the former gave the promise in question. But the President desired to have the engagement in a written and official form (and as Mr. Sérurier expresses it in his letter), "*pour des causes prises dans les nécessités de votre Gouvernement.*" What governmental necessity does he allude to? Clearly that which obliged the President to communicate these engagements to Congress at the next session.

Here, then, we have a stipulation made under special orders, sent out by a ship dispatched for that express purpose, communicated first verbally in an official conference, afterwards reduced to writing and delivered to the proper officers, for the double purpose of justifying the President for not making an immediate communication at their then session and also to serve as a pledge which he might exhibit if unredeemed at their next. These objects are well stated by Mr. Sérurier to be "that the Government of the Republic may avoid, with a providential solicitude, *in this unsettled state of things* all that may become a cause of new irritation between the two countries, endanger the treaty, and raise obstacles that may become insurmountable to the views of conciliation and harmony which animate the councils of the King." It was, then, to avoid a communication to Congress, which Mr. Sérurier saw would endanger the peace of the two countries, that this engagement was made. Surely, then, every word of a stipulation made under such circumstances and for such important purposes must have been duly considered and its import properly weighed, first by the cabinet who directed, afterwards by the minister who delivered and the Government which received it.

What, then, was this engagement? First, that the Government of the King will use every legal and constitutional effort which its persevering persuasion of the justice and advantages of the treaty authorize the United States to expect from it. "Son intention est" (I quote literally), "*en outre*" (that is, besides using those endeavors above mentioned), "de faire tout ce que *notre constitution permet* pour rapprocher autant que possible l'époque de la présentation nouvelle de la loi rejettée." Your excellency can not fail to have observed two distinct parts in this engagement—one relating to the endeavors the ministry promise to make in order to induce the Chambers to pass the law, for the success of which they could not answer; another relating to the time of presentation of the law, a matter which depended on them alone, restricted only by constitutional forms.

The promise on this point, then, was precise, and could not be misunderstood. Whatever the *constitution of France permitted*, the Government of France promised to do in order to hasten the presentation of the law. What was the cause of this desire to bring the business before the Chambers at an early day? No one can doubt it who knows the situation of the two countries, still less anyone who has read the correspondence. It was to enable the President to make those statements

to the next Congress which, relying on the engagements of the French minister, he had omitted to make to this.

It was clear, therefore, that more was required than the expression of a desire on the part of His Majesty's ministers to execute the treaty—a desire the sincerity of which was not doubted, but which might be unavailing, as its accomplishment depended on the vote of the Chambers. For the President's satisfaction, and for his justification too, an engagement was offered and accepted for the performance of an act which depended on His Majesty's Government alone. This engagement was couched in the unequivocal terms I have literally quoted.

This, sir, is not all. That there might be no misunderstanding on the subject, this promise, with the sense in which it was understood, the important object for which it was given, and the serious consequences that might attend a failure to comply with it, were urged in conversation, and repeated in my official letters, particularly those of the 26th and 29th of July and 3d and 9th of August last, in which its performance was strongly pressed.

The answers to these letters left no hope that the question would be submitted to the Chambers in time to have the result known before the adjournment of Congress, and by the refusal to hasten the convocation of the Chambers before the last of December showed unequivocally that, so far from taking all measures permitted by the constitution to *hasten* the period of presenting the law, it was to be left to the most remote period of the ordinary course of legislation.

This decision of His Majesty's Government, contained in your excellency's note to me of the 7th August, was duly transmitted to the President, and it naturally produced upon his mind the impressions which I anticipated in my letters to your excellency that it would produce. He saw with the deepest regret that a positive assurance for convening the Chambers as soon as the constitution would permit was construed to mean only a disposition to do so, and that this disposition had yielded to objections which he could not think of sufficient force to justify a delay even if there had intervened no promise, especially as the serious consequences of that delay had been earnestly and repeatedly brought to the consideration of His Majesty's Government. In fact, sir, what were those objections? I do not speak of those which were made to presenting the law in the session of July last, for although no constitutional impediment offered itself, yet it was not strongly insisted on, because an early session in the autumn would have the same effect; and the President, for the same reason, says that it might have been overlooked if an early call of the Chambers had been made. They are the objections to this call, then, which immediately demand our attention. What, in fact, were they? None derived from the constitutional charter have been or could have been asserted. What, then, were they? Your excellency's letter of the 3d of August to me contains none but this: "His Majesty's Government finds it impossible to make any positive engagement on that point." In that of the 7th of August there are two reasons assigned: First, the general inconvenience to the members. This the President could surely not think of alleging to Congress as a sufficient reason for omitting to lay the matter before them. The next, I confess, has a little more weight, and might have excused a delay if the assurance given by Mr. Sérurier had been, as your excellency construes it, merely of a *disposition* to hasten the presentation of the law. If the engagement had amounted to no more than this, and His Majesty's ministers thought that an early call would endanger the passage of the law, it might possibly justify *them* in not making it. But the President, who relied on the promise he had received, who in consequence of it had deferred the performance of an important duty; the President, who had given timely and official notice that this duty must be performed at the opening of the next Congress; the President, who could see no greater prospect of the passage of the law in a winter than in an autumnal session—how was *he* to justify himself and redeem the pledge *he* had made to his country? He did it in the way he always does—by a strict performance.

From this detail your excellency will, I hope, see that the President's causes of complaint can not, as you suppose, be confined within the narrow limit you have assigned to them. The failure to present the law in the session of July was not the only, nor even the principal, point in which he thought the engagement of Mr. Sérurier uncomplied with; for although he saw no reason for the omission that could be called a constitutional one, yet he expressly says that might have been overlooked. He always (it can not too often be repeated) looked to the promise of Mr. Sérurier as it was given at Washington, not as it was interpreted at Paris, and he had a right to believe that as on previous occasions the Legislature had, in the years 1819, 1822, 1825, and 1830, held their sessions for the transaction of the ordinary business in the months of July and August, he had a right, I say, to believe that there was no insurmountable objection to the consideration of this extraordinary case, enforced by a positive promise. Yet, as I have remarked, he did not make this his principal cause of complaint; it was the omission to call the Chambers at an earlier period than the very end of the year.

On this head your excellency is pleased to observe that the same reasons, drawn from the usual course of administration, which rendered the presentation of the law in the session of July impossible applied with nearly the same force to a call before the end of the year; and you appeal to the President's knowledge of the "fixed principles of a constitutional system" to prove that the administration under such a government is subject to regular and permanent forms, "from which no special interest, however important, should induce it to deviate." For this branch of the argument it unfortunately happens that no regular form of administration, no fixed principle, no usage whatever, would have opposed a call of the Chambers at an early day, and the rule which your excellency states would not be broken "in favor of any interest, however important," has actually been made to yield to one of domestic occurrence. *The Chambers have just been convened before the period which was declared to be the soonest at which they could possibly meet.* Your excellency will also excuse me for remarking that since the first institution of the Chambers, in 1814, there have been convocations for every month of the year, without exception, which I will take the liberty of bringing to your recollection by enumerating the different dates. The Chambers were summoned for the month of January in the years 1823, 1826, and 1829; for February, in the years 1827 and 1829; for March, in 1815, 1824, and 1830; for April, in 1833; for May, in 1814; for June, in 1815, 1822, and 1825; for July, in 1834; for August, in 1830 and 1831; for September, in 1815; for October, in 1816; for November, in 1817, 1818, 1819, 1821, and 1832; and for December, in 1820, 1824, 1826, and 1833. It is, then, clear to demonstration that neither constitutional impediment nor stern, inflexible usage prevented such a call of the Chambers as would have complied with the letter of Mr. Sérurier's engagement. Since I have alluded to the actual meeting of the Chambers on the 1st of December, it is but candid to allow that even this period would not have enabled the President to have attained one of his objects—the presenting of the result of their deliberations to Congress in his opening message. But even that slight concession, if it had been made to my unceasing applications, might have given an opportunity of conveying their decision to Congress before the 4th of March, when they must adjourn, because, had that day been then determined on, everything would have been ready to lay before the Chambers on the opening of the session; but a meeting a month or six weeks earlier would have given ample time for deliberation and decision in season to have it known at Washington on the 1st of December.

The necessity of giving time to the new members to inform themselves of the nature of the question and the old ones to recover from the impression which erroneous statements had made upon their minds I understand to be the remaining motive of His Majesty's ministers for delaying the meeting; but this was a precaution which, relying on the plain obligation of the treaty, the President could not

appreciate, and he must, moreover, have thought that if a long discussion was necessary to understand the merits of the question it was an additional reason for hastening the meeting where those merits were to be discussed. The delay that occurred between the meeting of the Chambers and the 1st of January need not have entered into the discussion, because, not long known at Washington, it could not have had any influence on the message. It is referred to, I presume, in order to show that it was produced by a desire on the part of His Majesty's ministers the better to assure the passage of the law. Of this, sir, I never had a doubt, and immediately so advised my Government, and informed it (as was the fact) that I perfectly acquiesced in the delay; first, because of the circumstance to which you allude; secondly, because the statements originally intended to be ready by the 1st of January were not yet prepared. There is a slight error in this part of your excellency's letter; the delay was not made at my request, but was fully approved of, for the reasons which I have stated.

I have entered into this detail, sir, not for the purpose of recrimination, which, in most cases useless, would in this be worse, but with the object, as was my duty, of showing that although the ministers of the King, under the interpretation they seem to have given to Mr. Sérurier's promise, may have considered themselves at liberty to defer the presentation of the law until the period which they thought would best secure its success, yet the President, interpreting that promise differently, feeling that in consequence of it he had forborne to do what might be strictly called a duty, and seeing that its performance had not taken place, could not avoid stating the whole case clearly and distinctly to Congress and detailing to them all the remedies which the law of nations would allow to be applied to the case, leaving to them the choice, leaving to their wisdom and prudence the option, of the alternative of further delay or conditional action. Could he have said less in this branch of his message? If he alluded to the subject at all, he was obliged to detail the circumstances of the case. It is not pretended that this is not done with fidelity as to facts. The ratification of the treaty, its effect in pledging the faith of the nation, the fidelity with which the United States have executed it, the delay that intervened before it was brought before the Chambers, their rejection of the law, the assurances made by Mr. Sérurier, the forbearance of the President to make a communication to Congress in consequence of those assurances, and the adjournment of the question by His Majesty's Government to the end of the year—none of these have ever been denied, and all this the President was obliged to bring before Congress if, as I have said, he spoke on the subject. But he was obliged by a solemn duty to speak of it, and he had given timely and repeated notice of this obligation. The propositions which he submitted to Congress in consequence of those facts were a part of his duty. They were, as I have stated, exclusively addressed to that body, and in offering them he felt and expressed a proper regret, and, doing justice to the character and high feeling of the French nation, he explicitly disavowed any intention of influencing it by a menace.

I have no mission, sir, to offer any modification of the President's communication to Congress, and I beg that what I have said may be considered with the reserve that I do not acknowledge any right to demand or any obligation to give explanations of a document of that nature. But the relations which previously existed between the two countries, a desire that no unnecessary misunderstanding should interrupt them, and the tenor of your excellency's letter (evidently written under excited feeling) all convinced me that it was not incompatible with self-respect and the dignity of my country to enter into the detail I have done. The same reasons induced me to add that the idea erroneously entertained that an injurious menace is contained in the message has prevented your excellency from giving a proper attention to its language. A cooler examination will show that although the President was obliged, as I have demonstrated, to state to Congress the engagements which had been made,

and that in his opinion they had not been complied with, yet in a communication not addressed to His Majesty's Government not a disrespectful term is employed, nor a phrase that his own sense of propriety, as well as the regard which one nation owes to another, would induce him to disavow. On the contrary, expressions of sincere regret that circumstances obliged him to complain of acts that disturbed the harmony he wished to preserve with a nation and Government to the high characters of which he did ample justice.

An honorable susceptibility to everything that may in the remotest degree affect the honor of the country is a national sentiment in France; but you will allow, sir, that it is carried too far when it becomes impatient of just complaint, when it will allow none of its acts to be arraigned and considers as an offense a simple and correct examination of injuries received and as an insult a deliberation on the means of redress. If it is forbidden, under the penalties of giving just cause of offense, for the different branches of a foreign government to consult together on the nature of wrongs it has received and review the several remedies which the law of nations present and circumstances justify, then no such consultation can take place in a government like that of the United States, where all the proceedings are public, without at once incurring the risk of war, which it would be the very object of that consultation to avoid.

The measures announced in the close of your letter, as well as the correspondence that it has occasioned between us, have been transmitted to my Government, and I wait the instructions which that communication will produce.

I pray your excellency to receive the renewed assurance of the high consideration with which I have the honor to be, your most obedient, humble servant,

EDW. LIVINGSTON.

[Indorsement.]

This letter was referred to in my message of the 7th of December last, and ought to have been then transmitted with that of the 25th of April, but by some oversight it was omitted.

A. J.

WASHINGTON, *January 18, 1836.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 12th instant, I transmit a report of the Secretary of State, with the papers therein referred to, which, with those accompanying the special message this day sent to Congress, are believed to contain all the information requested. The papers relative to the letter of the late minister of France have been added to those called for, that the subject may be fully understood.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, January 13, 1836.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State has the honor to lay before the President a copy of a report made to him in June last, and of a letter addressed to this Department by the late minister of the Government of France, with the correspondence connected with that communication, which, together with a late correspondence between the Secretary of State and the French chargé d'affaires and a recent correspondence between the chargé d'affaires of the United States at Paris and the Duke de Broglie, already trans-

mitted to the President to be communicated to Congress with his special message relative thereto, are the only papers in the Department of State supposed to be called for by the resolutions of the Senate of the 12th instant.

It will be seen by the correspondence with the chargé d'affaires of France that a dispatch to him from the Duke de Broglie was read to the Secretary at the Department in September last. It concluded with an authority to permit a copy to be taken if it was desired. That dispatch being an argumentative answer to the last letter of Mr. Livingston to the French Government, and in affirmance of the right of France to expect explanations of the message of the President, which France had been distinctly and timely informed could not be given without a disregard by the Chief Magistrate of his constitutional obligations, no desire was expressed to obtain a copy, it being obviously improper to receive an argument in a form which admitted of no reply, and necessarily unavailing to inquire how much or how little would satisfy France, when her right to any such explanation had been beforehand so distinctly and formally denied.

All which is respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE,
Washington, June 18, 1835.

The PRESIDENT OF THE UNITED STATES:

I have the honor to present, for the examination of the President, three letters received at the Department from ———, dated at Paris, the 19th, 23d, and 30th of April. The last two I found here on my recent return from Georgia. They were received on the 9th and 10th of June; the last came to my own hand yesterday. Several communications have been previously received from the same quarter, all of them volunteered; none of them have been acknowledged. The unsolicited communications to the Department by citizens of the United States of facts that may come to their knowledge while residing abroad, likely to be interesting to their country, are always received with pleasure and carefully preserved on the files of the Government. Even opinions on foreign topics are received with proper respect for the motives and character of those who may choose to express them.

But holding it both improper and dangerous to countenance any of our citizens occupying no public station in sending confidential communications on our affairs with a foreign government at which we have an accredited agent, upon subjects involving the honor of the country, without the knowledge of such agent, and virtually substituting himself as the channel of communication between that government and his own, I considered it my duty to invite Mr. Pageot to the Department to apprise him of the contents of Mr. ———'s letter of the 23d of April, and at the same time to inform him that he might communicate the fact to the Duke de Broglie that no notice could be taken of Mr. ——— and his communications.

The extreme and culpable indiscretion of Mr. ——— in this transaction was strikingly illustrated by a remark of Mr. Pageot, after a careful examination of the letter of 23d April, that although without instructions from his Government he would venture to assure me that the Duke de Broglie could not have expected Mr. ——— to make such a communication to the Secretary of State. Declining to enter into the consideration of what the Duke might have expected or intended, I was satisfied with the assurances Mr. Pageot gave me that he would immediately state what had occurred to his Government.

All which is respectfully submitted, with the hope, if the course pursued is approved by the President, that this report may be filed in this Department with the letters to which it refers.

JOHN FORSYTH.

Mr. Forsyth to Mr. Livingston.

No. 50.

[Extract.]

DEPARTMENT OF STATE,
Washington, March 5, 1835.

EDWARD LIVINGSTON, Esq.,
Envoy Extraordinary and Minister Plenipotentiary, Paris.

SIR: In my note No. 49 you were informed that the last letter of M. Sérurier would be made the subject of separate and particular instructions to you. Unwilling to add to the irritation produced by recent incidents in our relations with France, the President will not take for granted that the very exceptionable language of the French minister was used by the orders or will be countenanced by the authority of the King of France. You will therefore, as early as practicable after this reaches you, call the attention of the minister of foreign affairs to the following passage in M. Sérurier's letter:

"Les plaintes que porte M. le Président contre le prétendu non-accomplissement des engagemens pris par le Gouvernement du Roi à la suite du vote du 1er avril 1834, ne sont pas seulement étrangé par l'entière inexactitude des allégations sur lesquelles elles reposent, mais aussi parceque les explications qu'a reçues à Paris M. Livingston, et celles que le soussigné a données directement au cabinet de Washington semblaient ne pas laisser même la possibilité d'un malentendu sur des points aussi délicats."

In all discussions between government and government, whatever may be the differences of opinion on the facts or principles brought into view, the invariable rule of courtesy and justice demands that the sincerity of the opposing party in the views which it entertains should never be called in question. Facts may be denied, deductions examined, disproved, and condemned, without just cause of offense; but no impeachment of the integrity of the Government in its reliance on the correctness of its own views can be permitted without a total forgetfulness of self-respect. In the sentence quoted from M. Sérurier's letter no exception is taken to the assertion that the complaints of this Government are founded upon allegations entirely inexact, nor upon that which declares the explanations given here or in Paris appeared not to have left even the possibility of a misunderstanding on such delicate points. The correctness of these assertions we shall always dispute, and while the records of the two Governments endure we shall find no difficulty in shewing that they are groundless; but when M. Sérurier chooses to qualify the nonaccomplishment of the engagements made by France, to which the President refers, as a *pretended* nonaccomplishment, he conveys the idea that the Chief Magistrate knows or believes that he is in error, and acting upon this known error seeks to impose it upon Congress and the world as truth. In this sense it is a direct attack upon the integrity of the Chief Magistrate of the Republic. As such it must be indignantly repelled; and it being a question of moral delinquency between the two Governments, the evidence against France, by whom it is raised, must be sternly arrayed. You will ascertain, therefore, if it has been used by the authority or receives the sanction of the Government of France *in that sense*. Should it be disavowed or explained, as from the note of the Count de Rigny to you, written at the moment of great excitement, and in its matter not differing from M. Sérurier's, it is presumed it will be, you will then use the materials herewith communicated, or already in your power, in a temper of great forbearance, but with a firmness of tone not to be mistaken, to answer the substance of the note itself.

Mr. Sérurier to Mr. Forsyth.

[Translation.]

WASHINGTON, *February 23, 1835.*

Hon. JOHN FORSYTH,
Secretary of State.

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of the French at Washington, has received orders to present the following note to the Secretary of State of the Government of the United States:

It would be superfluous to say that the message addressed on the 1st of December, 1834, to the Congress of the United States by President Jackson was received at Paris with a sentiment of painful surprise.

The King's Government is far from supposing that the measures recommended in this message to the attention of Congress can be adopted (*votées*) by that assembly; but even considering the document in question as a mere manifestation of the opinion which the President wishes to express with regard to the course taken in this affair, it is impossible not to consider its publication as a fact of a most serious nature.

The complaints brought forward by the President on account of the pretended nonfulfillment of the engagements entered into by the King's Government after the vote of the 1st of April are strange, not only from the total inaccuracy of the allegations on which they are based, but also because the explanations received by Mr. Livingston at Paris and those which the undersigned has given directly to the Cabinet of Washington seemed not to leave the slightest possibility of misunderstanding on points so delicate.

It appeared, indeed, from these explanations that although the session of the French Chambers, which was opened on the 31st of July last in compliance with an express provision of the charter, was prorogued at the end of a fortnight, before the bill relative to the American claims, announced in the discourse from the throne, could be placed under discussion, this prorogation arose (*tendit*) entirely from the absolute impossibility of commencing at so premature a period the legislative labors belonging to the year 1835.

It also appeared that the motives which had hindered the formal presentation to the Chambers of the bill in question during the first space of a fortnight originated chiefly in the desire more effectually to secure the success of this important affair by choosing the most opportune moment of offering it to the deliberations of the deputies newly elected, who, perhaps, might have been unfavorably impressed by this unusual haste in submitting it to them so long before the period at which they could enter upon an examination of it.

The undersigned will add that it is, moreover, difficult to comprehend what advantage could have resulted from such a measure, since it could not evidently have produced the effect which the President declares that he had in view, of enabling him to state at the opening of Congress that these long-pending negotiations were definitively closed. The President supposes, it is true, that the Chambers might have been called together anew before the last month of 1834; but even though the session had been opened some months earlier—which for several reasons would have been impossible—the simplest calculation will serve to shew that in no case could the decision of the Chambers have been taken, much less made known at Washington, before the 1st of December.

The King's Government had a right (*devait*) to believe that considerations so striking would have proved convincing with the Cabinet of the United States, and the more so as no direct communication made to the undersigned by this Cabinet or transmitted at Paris by Mr. Livingston had given token of the irritation and misunderstandings which the message of December 1 has thus deplorably revealed, and

as Mr. Livingston, with that judicious spirit which characterizes him, coinciding with the system of (*ménagemens*) precautions and temporizing prudence adopted by the cabinet of the Tuileries with a view to the common interests, had even requested at the moment of the meeting of the Chambers that the presentation of the bill in question might be deferred, in order that its discussion should not be mingled with debates of another nature, with which its coincidence might place it in jeopardy.

This last obstacle had just been removed and the bill was about to be presented to the Chamber of Deputies when the arrival of the message, by creating in the minds of all a degree of astonishment at least equal to the just irritation which it could not fail to produce, has forced the Government of the King to deliberate on the part which it had to adopt.

Strong in its own right and dignity, it did not conceive that the inexplicable act of the President ought to cause it to renounce absolutely a determination the origin of which had been its respect for engagements (*loyauté*) and its good feelings toward a friendly nation. Although it does not conceal from itself that the provocation given at Washington has materially increased the difficulties of the case, already so great, yet it has determined to ask from the Chambers an appropriation of twenty-five millions to meet the engagements of the treaty of July 4.

But His Majesty has at the same time resolved no longer to expose his minister to hear such language as that held on December 1. The undersigned has received orders to return to France, and the dispatch of this order has been made known to Mr. Livingston.

The undersigned has the honor to present to the Secretary of State the assurance of his high consideration.

SÉRURIER.

Mr. Livingston to the Duke de Broglie.

LEGATION OF THE UNITED STATES OF AMERICA,
Paris, April 18, 1835.

M. LE DUC: I am specially directed to call the attention of His Majesty's Government to the following passage in the note presented by M. Sérurier to the Secretary of State at Washington:

"Les plaintes que porte Monsieur le Président contre le prétendu non-accomplissement des engagemens pris par le Gouvernement du Roi à la suite du vote du 1er avril 1834, ne sont pas seulement étrangé par l'entière inexactitude des allégations sur lesquelles elles reposent, mais aussi parceque les explications qu'a reçues à Paris M. Livingston, et celles que le soussigné a données directement au cabinet de Washington, semblaient ne pas laisser même la possibilité d'un malentendu sur des points aussi délicats."

Each party in a discussion of this nature has an uncontested right to make its own statement of facts and draw its own conclusions from them, to acknowledge or deny the accuracy of counter proof or the force of objecting arguments, with no other restraints than those which respect for his own convictions, the opinion of the world, and the rules of common courtesy impose. This freedom of argument is essential to the discussion of all national concerns, and can not be objected to without showing an improper and irritating susceptibility. It is for this reason that the Government of the United States make no complaint of the assertion in the note presented by M. Sérurier that the statement of facts contained in the President's message is inaccurate, and that the causes assigned for the delay in presenting the law ought to have satisfied them. On their part they contest the facts, deny the accuracy of the conclusions, and appeal to the record, to reason, and to the sense of justice of His Majesty's Government on a more mature consideration of the case for

their justification. But I am further instructed to say that there is one expression in the passage I have quoted which in one signification could not be admitted even within the broad limits which are allowed to discussions of this nature, and which, therefore, the President will not believe to have been used in the offensive sense that might be attributed to it. The word "*prétendu*" sometimes, it is believed, in French, and its translation always in English, implies not only that the assertion which it qualifies is untrue, but that the party making it knows it to be so and uses it for the purposes of deception.

Although the President can not believe that the term was employed in this injurious sense, yet the bare possibility of a construction being put upon it which it would be incumbent on him to repel with indignation obliges him to ask for the necessary explanation.

I have the honor to be, etc.,

EDWARD LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

[Extract.]

WASHINGTON, *June 29, 1835.*

* * * Having received my passports, I left Paris on the 29th of April. At the time of my departure the note, of which a copy has been transmitted to you, asking an explanation of the terms used in M. Sérurier's communication to the Department, remained unanswered, but I have reason to believe that the answer when given will be satisfactory.

WASHINGTON, *January 20, 1836.*

Hon. JAMES K. POLK,

Speaker of the House of Representatives.

SIR: I herewith transmit to the House of Representatives a report from the Director of the Mint, exhibiting the operations of that institution during the year 1835.

The report contains also some very useful suggestions as to certain changes in the laws connected with our coinage and with that establishment, which are recommended to your early and careful attention.

Besides some remarks in it on the progress made in the erection of branch mints and procuring machinery therefor, I inclose a report from the Secretary of the Treasury, submitting more detailed statements as to the new buildings from each of the agents appointed to superintend their erection.

ANDREW JACKSON

WASHINGTON, *February 8, 1836.*

To the Senate and House of Representatives:

The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy which, as it involves our honor and independence, admits of no compromise, I have cheerfully

accepted the offer. It will be obviously improper to resort even to the mildest measures of a compulsory character until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special message of the 15th of January last which proposes a partial nonintercourse with France. While we can not too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country and forget the lessons of experience if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I can not too strongly repeat the recommendation already made to place the seaboard in a proper state for defense and promptly to provide the means for amply protecting our commerce.

ANDREW JACKSON.

WASHINGTON, *February 9, 1836.*

To the Senate of the United States:

In answer to the call made by the Senate in their resolution of the 3d instant, relative to the Indian hostilities in Florida, I transmit herewith a report from the Secretary of War, accompanied by sundry explanatory papers.

ANDREW JACKSON.

WASHINGTON, *February 10, 1836.*

To the House of Representatives:

I transmit herewith a report from the Secretary of War, with copies of so much of the correspondence relating to Indian affairs called for by the resolution of the House of January 23, 1835, as can be furnished by that Department. I also transmit a report on the same subject from the Treasury Department, from which it appears that without a special appropriation or the suspension for a considerable period of much of the urgent and current business of the General Land Office it is impracticable to take copies of all the papers described in the resolution. Under these circumstances the subject is again respectfully submitted to the consideration of the House of Representatives.

ANDREW JACKSON.

FEBRUARY 11, 1836.

To the Senate of the United States:

I herewith return to the Senate the resolution of the legislature of the State of Indiana requesting the President to suspend from sale a strip of land 10 miles in width, on a line from Munceytown to Fort Wayne, which resolution was referred to me on the 5th instant.

It appears from the memorial to which the resolution is subjoined that the lands embraced therein have been in market for several years past; that the legislature of the State of Indiana have applied to Congress for the passage of a law giving that State the right to purchase at such reduced prices as Congress may fix, and that their suspension from sale is requested as auxiliary to this application.

By the acts of Congress now in force all persons who may choose to make entries for these lands in the manner prescribed by law are entitled to purchase the same, and as the President possesses no dispensing power it will be obvious to the Senate that until authorized by law he can not rightfully act on the subject referred to him.

ANDREW JACKSON.

WASHINGTON, *February 15, 1836.*

To the Senate of the United States:

I transmit to the Senate, in pursuance of the resolutions passed by that body on the 3d instant, a report from the Secretary of State, accompanied by certain papers, relative to the existing relations between the United States and France.

ANDREW JACKSON.

WASHINGTON, *February 18, 1836.*

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to their resolutions of the —— February instant, reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, relating to the relations between the United States and France. For reasons adverted to by the Secretary of State, the resolutions of the House have not been more fully complied with.

ANDREW JACKSON.

FEBRUARY 22, 1836.

To the Senate and House of Representatives:

I transmit herewith to Congress copies of the correspondence between the Secretary of State and the chargé d'affaires of His Britannic Majesty, relative to the mediation of Great Britain in our disagreement with France and to the determination of the French Government to execute

the treaty of indemnification without further delay on the application for payment by the agent of the United States.

The grounds upon which the mediation was accepted will be found fully developed in the correspondence. On the part of France the mediation had been publicly accepted before the offer of it could be received here. Whilst each of the two Governments has thus discovered a just solicitude to resort to all honorable means of adjusting amicably the controversy between them, it is a matter of congratulation that the mediation has been rendered unnecessary. Under such circumstances the anticipation may be confidently indulged that the disagreement between the United States and France will not have produced more than a temporary estrangement. The healing effects of time, a just consideration of the powerful motives for a cordial good understanding between the two nations, the strong inducements each has to respect and esteem the other, will no doubt soon obliterate from their remembrance all traces of that disagreement.

Of the elevated and disinterested part the Government of Great Britain has acted and was prepared to act I have already had occasion to express my high sense. Universal respect and the consciousness of meriting it are with Governments as with men the just rewards of those who faithfully exert their power to preserve peace, restore harmony, and perpetuate good will.

I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the Executive or to point it to any other department or branch of the Government, to refer to the want of effective preparation in which our country was found at the late crisis. From the nature of our institutions the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war. I submit it, then, to you whether the first duty we owe to the people who have confided to us their power is not to place our country in such an attitude as always to be so amply supplied with the means of self-defense as to afford no inducements to other nations to presume upon our forbearance or to expect important advantages from a sudden assault, either upon our commerce, our seacoast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time inevitably elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger; and if we escaped without signal disaster or national dishonor, the hazard of both unnecessarily incurred could not fail to excite a feeling of deep reproach. I earnestly recommend to you, therefore, to make such provisions that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. We are now, fortunately, so situated that the expenditure for this purpose will not be felt, and if it were it would be approved by those from whom all its means are derived, and

for whose benefit only it should be used with a liberal economy and an enlightened forecast.

In behalf of these suggestions I can not forbear repeating the wise precepts of one whose counsels can not be forgotten:

* * * The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

ANDREW JACKSON.

WASHINGTON, *January 27, 1836.*

The undersigned, His Britannic Majesty's chargé d'affaires, has been instructed to state to Mr. Forsyth, the Secretary of State of the United States, that the British Government has witnessed with the greatest pain and regret the progress of the misunderstanding which has lately grown up between the Governments of France and of the United States. The first object of the undeviating policy of the British cabinet has been to maintain uninterrupted the relations of peace between Great Britain and the other nations of the world, without any abandonment of national interests and without any sacrifice of national honor. The next object to which their anxious and unremitting exertions have been directed has been by an appropriate exercise of the good offices and moral influence of Great Britain to heal dissensions which may have arisen among neighboring powers and to preserve for other nations those blessings of peace which Great Britain is so desirous of securing for herself.

The steady efforts of His Majesty's Government have hitherto been, fortunately, successful in the accomplishment of both these ends, and while Europe during the last five years has passed through a crisis of extraordinary hazard without any disturbance of the general peace, His Majesty's Government has the satisfaction of thinking that it has on more than one occasion been instrumental in reconciling differences which might otherwise have led to quarrels, and in cementing union between friendly powers.

But if ever there could be an occasion on which it would be painful to the British Government to see the relations of amity broken off between two friendly states that occasion is undoubtedly the present, when a rupture is apprehended between two great powers, with both of which Great Britain is united by the closest ties—with one of which she is engaged in active alliance; with the other of which she is joined by community of interests and by the bonds of kindred.

Nor would the grounds of difference on the present occasion reconcile the friends and wellwishers of the differing parties to the misfortune of an open rupture between them.

When the conflicting interests of two nations are so opposed on a particular question as to admit of no possible compromise, the sword may be required to cut the knot which reason is unable to untie.

When passions have been so excited on both sides that no common standard of justice can be found, and what one party insists on as a right the other denounces as a wrong, prejudice may become too headstrong to yield to the voice of equity, and those who can agree on nothing else may consent to abide the fate of arms and to allow that the party which shall prove the weakest in the war shall be deemed to have been wrong in the dispute.

But in the present case there is no question of national interest at issue between France and the United States. In the present case there is no demand of justice made by one party and denied by the other. The disputed claims of America on France, which were founded upon transactions in the early part of the present century and were for many years in litigation, have at length been established by mutual consent and are admitted by a treaty concluded between the two Governments. The money due by France has been provided by the Chambers, and has been placed at the disposal of the French Government for the purpose of being paid to the United States. But questions have arisen between the two Governments in the progress of those transactions affecting on both sides the feelings of national honor, and it is on this ground that the relations between the parties have been for the moment suspended and are in danger of being more seriously interrupted.

In this state of things the British Government is led to think that the good offices of a third power equally the friend of France and of the United States, and prompted by considerations of the highest order most earnestly to wish for the continuance of peace, might be useful in restoring a good understanding between the two parties on a footing consistent with the nicest feelings of national honor in both.

The undersigned has therefore been instructed by His Majesty's Government formally to tender to the Government of the United States the mediation of Great Britain for the settlement of the differences between the United States and France, and to say that a note precisely similar to the present has been delivered to the French Government by His Majesty's ambassador at Paris. The undersigned has, at the same time, to express the confident hope of His Majesty's Government that if the two parties would agree to refer to the British Government the settlement of the point at issue between them, and to abide by the opinion which that Government might after due consideration communicate to the two parties thereupon, means might be found of satisfying the honor of each without incurring those great and manifold evils which a rupture between two such powers must inevitably entail on both.

The undersigned has the honor to renew to Mr. Forsyth the assurance of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,
Washington, February 3, 1836.

CHARLES BANKHEAD, Esq.:

The undersigned, Secretary of State of the United States, has had the honor to receive the note of the 27th ultimo of Mr. Charles Bankhead, His Britannic Majesty's chargé d'affaires, offering to the Government of the United States the mediation of His Britannic Majesty's Government for the settlement of the differences unhappily existing between the United States and France. That communication having been submitted to the President, and considered with all the care belonging to the importance of the subject and the source from which it emanated, the undersigned has been instructed to assure Mr. Bankhead that the disinterested and honorable motives which have dictated the proposal are fully appreciated. The pacific policy of His Britannic Majesty's cabinet and their efforts to heal dissensions arising among nations are worthy of the character and commanding influence of Great Britain, and the success of those efforts is as honorable to the Government by whose instrumentality it was secured as it has been beneficial to the parties more immediately interested and to the world at large.

The sentiments upon which this policy is founded, and which are so forcibly displayed in the offer that has been made, are deeply impressed upon the mind of the President. They are congenial with the institutions and principles as well as with the interests and habits of the people of the United States, and it has been the con-

stant aim of their Government in its conduct toward other powers to observe and illustrate them. Cordially approving the general views of His Britannic Majesty's Government, the President regards with peculiar satisfaction the enlightened and disinterested solicitude manifested by it for the welfare of the nations to whom its good offices are now tendered, and has seen with great sensibility, in the exhibition of that feeling, the recognition of that community of interests and those ties of kindred by which the United States and Great Britain are united.

If circumstances did not render it certain, it would have been obvious from the language of Mr. Bankhead's note to the undersigned that the Government of His Britannic Majesty, when the instructions under which it was prepared were given, could not have been apprised of all the steps taken in the controversy between the United States and France. It was necessarily ignorant of the tenor of the two recent messages of the President to Congress—the first communicated at the commencement of the present session, under date of the 7th of December, 1835, and the second under that of the 15th of January, 1836. Could these documents have been within the knowledge of His Britannic Majesty's Government, the President does not doubt that it would have been fully satisfied that the disposition of the United States, notwithstanding their well-grounded and serious causes of complaint against France, to restore friendly relations and cultivate a good understanding with the Government of that country was undiminished, and that all had already been done on their part that could in reason be expected of them to secure that result. The first of these documents, although it gave such a history of the origin and progress of the claims of the United States and of the proceedings of France before and since the treaty of 1831 as to vindicate the statements and recommendations of the message of the 1st of December, 1834, yet expressly disclaimed the offensive interpretation put upon it by the Government of France, and while it insisted on the acknowledged rights of the United States and the obligations of the treaty and maintained the honor and independence of the American Government, evinced an anxious desire to do all that constitutional duty and strict justice would permit to remove every cause of irritation and excitement. The special message of the 15th January last being called for by the extraordinary and inadmissible demands of the Government of France as defined in the last official communications at Paris, and by the continued refusal of France to execute a treaty from the faithful performance of which by the United States it was tranquilly enjoying important advantages, it became the duty of the President to recommend such measures as might be adapted to the exigencies of the occasion. Unwilling to believe that a nation distinguished for honor and intelligence could have determined permanently to maintain a ground so indefensible, and anxious still to leave open the door of reconciliation, the President contented himself with proposing to Congress the mildest of the remedies given by the law and practice of nations in connection with such propositions for defense as were evidently required by the condition of the United States and the attitude assumed by France. In all these proceedings, as well as in every stage of these difficulties with France, it is confidently believed that the course of the United States, when duly considered by other Governments and the world, will be found to have been marked not only by a pacific disposition, but by a spirit of forbearance and conciliation.

For a further illustration of this point, as well as for the purpose of presenting a lucid view of the whole subject, the undersigned has the honor to transmit to Mr. Bankhead copies of all that part of the message of December 7, 1835, which relates to it and of the correspondence referred to therein, and also copies of the message and accompanying documents of the 15th of January, 1836, and of another message of the 18th of the same month, transmitting a report of the Secretary of State and certain documents connected with the subject.

These papers, while they will bring down the history of the misunderstanding between the United States and France to the present date, will also remove an

erroneous impression which appears to be entertained by His Britannic Majesty's Government. It is suggested in Mr. Bankhead's note that there is no question of national interest at issue between France and the United States, and that there is no demand of justice made by the one party and denied by the other. This suggestion appears to be founded on the facts that the claims of the United States have been admitted by a treaty concluded between the two Governments and that the money due by France has been provided by the Chambers and placed at the disposal of the French Government for the purpose of being paid to the United States. But it is to be observed that the payment of the money thus appropriated is refused by the French Government unless the United States will first comply with a condition not contained in the treaty and not assented to by them. This refusal to make payment is, in the view of the United States, a denial of justice, and has not only been accompanied by acts and language of which they have great reason to complain, but the delay of payment is highly injurious to those American citizens who are entitled to share in the indemnification provided by the treaty and to the interests of the United States, inasmuch as the reduction of the duties levied on French wines in pursuance of that treaty has diminished the public revenue, and has been and yet is enjoyed by France, with all the other benefits of the treaty, without the consideration and equivalents for which they were granted. But there are other national interests, and, in the judgment of this Government, national interests of the highest order, involved in the condition prescribed and insisted on by France which it has been by the President made the duty of the undersigned to bring distinctly into view. That condition proceeds on the assumption that a foreign power whose acts are spoken of by the President of the United States in a message to Congress, transmitted in obedience to his constitutional duties, and which deems itself aggrieved by the language thus held by him, may as a matter of right require from the Government of the United States a direct official explanation of such language, to be given in such form and expressed in such terms as shall meet the requirements and satisfy the feelings of the offended party, and may in default of such explanation annul or suspend a solemn treaty duly executed by its constitutional organ. Whatever may be the responsibility of those nations whose executives possess the power of declaring war and of adopting other coercive remedies without the intervention of the legislative department, for the language held by the Executive in addressing that department, it is obvious that under the Constitution of the United States, which gives to the Executive no such powers, but vests them exclusively in the Legislature, whilst at the same time it imposes on the Executive the duty of laying before the Legislature the state of the nation, with such recommendations as he may deem proper, no such responsibility can be admitted without impairing that freedom of intercommunication which is essential to the system and without surrendering in this important particular the right of self-government. In accordance with this view of the Federal Constitution has been the practice under it. The statements and recommendations of the President to Congress are regarded by this Government as a part of the purely domestic consultations held by its different departments—consultations in which nothing is addressed to foreign powers, and in which they can not be permitted to interfere, and for which, until consummated and carried out by acts emanating from the proper constitutional organs, the nation is not responsible and the Government not liable to account to other States.

It will be seen from the accompanying correspondence that when the condition referred to was first proposed in the Chamber of Deputies the insuperable objections to it were fully communicated by the American minister at Paris to the French Government, and that he distinctly informed it that the condition, if prescribed, could never be complied with. The views expressed by him were approved by the President, and have been since twice asserted and enforced by him in his messages to Congress in terms proportioned in their explicitness and solemnity to the conviction he entertains of the importance and inviolability of the principle involved.

The United States can not yield this principle, nor can they do or consent to any measure by which its influence in the action of their political system can be obstructed or diminished. Under these circumstances the President feels that he may rely on the intelligence and liberality of His Britannic Majesty's Government for a correct estimation of the imperative obligations which leave him no power to subject this point to the control of any foreign state, whatever may be his confidence in its justice and impartiality—a confidence which he has taken pleasure in instructing the undersigned to state is fully reposed by him in the Government of His Britannic Majesty.

So great, however, is the desire of the President for the restoration of a good understanding with the Government of France, provided it can be effected on terms compatible with the honor and independence of the United States, that if, after the frank avowal of his sentiments upon the point last referred to and the explicit reservation of that point, the Government of His Britannic Majesty shall believe that its mediation can be useful in adjusting the differences which exist between the two countries and in restoring all their relations to a friendly footing, he instructs the undersigned to inform Mr. Bankhead that in such case the offer of mediation made in his note is cheerfully accepted.

The United States desire nothing but equal and exact justice, and they can not but hope that the good offices of a third power, friendly to both parties, and prompted by the elevated considerations manifested in Mr. Bankhead's note, may promote the attainment of this end.

Influenced by these motives, the President will cordially cooperate, so far as his constitutional powers may enable him, in such steps as may be requisite on the part of the United States to give effect to the proposed mediation. He trusts that no unnecessary delay will be allowed to occur, and instructs the undersigned to request that the earliest information of the measures taken by Great Britain and of their result may be communicated to this Government.

The undersigned avails himself of the occasion to renew to Mr. Bankhead the assurances of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *February 15, 1836.*

Hon. JOHN FORSYTH, etc.:

The undersigned, His Britannic Majesty's chargé d'affaires, with reference to his note of the 27th of last month, has the honor to inform Mr. Forsyth, Secretary of State of the United States, that he has been instructed by his Government to state that the British Government has received a communication from that of France which fulfills the wishes that impelled His Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the difference between France and the United States.

The French Government has stated to that of His Majesty that the frank and honorable manner in which the President has in his recent message expressed himself with regard to the points of difference between the Governments of France and of the United States has removed those difficulties, upon the score of national honor, which have hitherto stood in the way of the prompt execution by France of the treaty of the 4th July, 1831, and that consequently the French Government is now ready to pay the installment which is due on account of the American indemnity whenever the payment of that installment shall be claimed by the Government of the United States.

The French Government has also stated that it made this communication to that of Great Britain not regarding the British Government as a formal mediator, since its offer of mediation had then reached only the Government of France, by which it

had been accepted, but looking upon the British Government as a common friend of the two parties, and therefore as a natural channel of communication between them.

The undersigned is further instructed to express the sincere pleasure which is felt by the British Government at the prospect thus afforded of an amicable termination of a difference which has produced a temporary estrangement between two nations who have so many interests in common, and who are so entitled to the friendship and esteem of each other; and the undersigned has also to assure Mr. Forsyth that it has afforded the British Government the most lively satisfaction to have been upon this occasion the channel of a communication which they trust will lead to the complete restoration of friendly relations between the United States and France.

The undersigned has great pleasure in renewing to Mr. Forsyth the assurances of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,
Washington, February 16, 1836.

CHARLES BANKHEAD, Esq.:

The undersigned, Secretary of State of the United States, has had the honor to receive Mr. Bankhead's note of the 15th instant, in which he states by the instructions of his Government that the British Government have received a communication from that of France which fulfills the wishes that impelled His Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the differences between France and the United States; that the French Government, being satisfied with the frank and honorable manner in which the President has in his recent message expressed himself in regard to the points of difference between the two Governments, is ready to pay the installment due on account of the American indemnity whenever it shall be claimed by the Government of the United States, and that this communication is made to the Government of Great Britain not as a formal mediator, but as a common friend of both parties.

The undersigned has submitted this note of His Britannic Majesty's chargé d'affaires to the President, and is instructed to reply that the President has received this information with the highest satisfaction—a satisfaction as sincere as was his regret at the unexpected occurrence of the difficulty created by the erroneous impressions heretofore made upon the national sensibility of France. By the fulfillment of the obligations of the convention between the two Governments the great cause of difference will be removed, and the President anticipates that the benevolent and magnanimous wishes of His Britannic Majesty's Government will be speedily realized, as the temporary estrangement between the two nations who have so many common interests will no doubt be followed by the restoration of their ancient ties of friendship and esteem.

The President has further instructed the undersigned to express to His Britannic Majesty's Government his sensibility at the anxious desire it has displayed to preserve the relations of peace between the United States and France, and the exertions it was prepared to make to effectuate that object, so essential to the prosperity and congenial to the wishes of the two nations and to the repose of the world.

Leaving His Majesty's Government to the consciousness of the elevated motives which have governed its conduct and to the universal respect which must be secured to it, the President is satisfied that no expressions, however strong, of his own feelings can be appropriately used which could add to the gratification afforded to His Majesty's Government at being the channel of communication to preserve peace and restore good will between differing nations, each of whom is its friend.

The undersigned avails himself of this occasion to renew to Mr. Bankhead the assurance of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *February 23, 1836.*

To the Senate of the United States:

I transmit herewith a report of the Secretary of War, on the progress of the improvement of Red River, furnishing information in addition to that communicated with my message at the opening of the present session of Congress.

ANDREW JACKSON.

[The same letter was addressed to the Speaker of the House of Representatives.]

WASHINGTON, *February 25, 1836.*

To the Senate:

I transmit to the Senate a report* from the Secretary of State, complying as far as practicable with their resolution of the 16th instant.

ANDREW JACKSON.

WASHINGTON, *February 29, 1836.*

To the Senate and House of Representatives of the United States:

I transmit a report of the Secretary of State, communicating an application from the chargé d'affaires of Portugal for the passage by Congress of a special act abolishing discriminating duties upon the cargoes of Portuguese vessels imported into the United States from those parts of the dominions of Portugal in which no discriminating duties are charged upon the vessels of the United States or their cargoes, and providing for a return of the discriminating duties which have been exacted upon the cargoes of Portuguese vessels thus circumstanced since the 18th of April, 1834. I also transmit a copy of the correspondence which has taken place upon the subject between the Department of State and the chargé d'affaires of Portugal.

The whole matter is submitted to the discretion of Congress, with this suggestion, that if an act should be passed placing the cargoes of Portuguese vessels coming from certain parts of the territories of Portugal on the footing of those imported in vessels of the United States, in deciding upon the propriety of restoring the duties heretofore levied and the time to which they should be restored regard should be had to the fact that the decree of the 18th April, 1834, which is made the basis of the present application, took effect in the islands of Madeira and the Azores many months after its promulgation, and to the more important fact that until the 1st of February instant an indirect advantage was allowed in Portugal to importations from Great Britain over those from other countries, including the United States.

ANDREW JACKSON.

*Relating to claims for spoliations under the French treaty of 1831.

DEPARTMENT OF STATE, *February 27, 1836.*

The PRESIDENT OF THE UNITED STATES:

The undersigned, Secretary of State, has the honor to report to the President that official information was received at this Department some time since from the chargé d'affaires of Portugal of the abolition of all discriminating duties upon the cargoes of foreign vessels, including those of the United States, imported into Lisbon and Oporto, by a decree of the Portuguese Government promulgated on the 18th of April, 1834, the operation of which decree was stated by the chargé to extend to the island of Madeira. Upon the strength of this decree he applied, by order of his Government, for the suspension, under the fourth section of the act of Congress of January 7, 1824, of discriminating duties upon the cargoes of Portuguese vessels imported into the United States; but being informed that the act alluded to was inapplicable by reason that discriminating duties upon the cargoes of American vessels still existed in a part of the dominions of Portugal, he has requested that the principle acted upon in regard to Holland may be extended to Portugal, and that discriminating duties may be abolished in respect to Portugal proper, the Madeira Islands, the Azores, and such other parts of the Portuguese dominions wherein no discriminating duty is levied upon the vessels of the United States or their cargoes. This request is accompanied by a suggestion that unless some such reciprocity is established the benefits of the decree of April, 1834, will be withdrawn so far as respects this country. Application is also made for a return of the discriminating duties which have been collected since the promulgation of the said decree from the vessels of Portugal arriving in the United States from any of the ports embraced by that decree. In reference to this point it is proper to state that it does not appear that the force or operation of the decree referred to of the 18th April, 1834, was extended by any official act of the Portuguese Government to the islands of Madeira or the Azores until February or April, 1835. It is also to be observed that, notwithstanding the abolition by that decree of discriminating duties upon the importation of goods into Portugal from foreign countries, an exemption existed until the 1st of February instant, according to information received from our chargé d'affaires at Lisbon, in favor of various articles when imported from Great Britain, from an excise duty which was exacted upon the same articles when imported from other foreign countries or produced or manufactured at home. This exemption was granted in pursuance of the construction given to a stipulation contained in the late treaty between Portugal and Great Britain, and ceased, together with that treaty, on the 1st day of the present month.

The undersigned has the honor to transmit with this report a copy of the correspondence between the Department and the chargé d'affaires of Portugal upon which it is founded.

JOHN FORSYTH.

WASHINGTON, *February 29, 1836.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of State, correcting an error made in the report recently communicated to the Senate in answer to the resolution of the 16th instant, respecting the number and amount of claims for spoliations presented to the commissioners under the French treaty of 1831 which were rejected.

ANDREW JACKSON.

WASHINGTON, *March 5, 1836.*

To the Senate:

I submit to the Senate, for their advice and consent as to the ratification of the same, the treaty and the supplement to it recently concluded with the Cherokee Indians.

The papers referred to in the accompanying communication from the Secretary of War as necessary to a full view of the whole subject are also herewith submitted.

ANDREW JACKSON.

WASHINGTON, *March 7, 1836.*

To the Senate of the United States:

I transmit to the Senate, for their consideration with a view to its ratification, a treaty of peace, amity, navigation, and commerce between the United States and the Republic of Venezuela, concluded and signed by their plenipotentiaries at the city of Caracas on the 20th of January last.

ANDREW JACKSON.

WASHINGTON, *March 10, 1836.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, communicating the proceedings of a convention assembled at Little Rock, in the Territory of Arkansas, for the purpose of forming a constitution and system of government for the State of Arkansas. The constitution adopted by this convention and the documents accompanying it, referred to in the report from the Secretary of State, are respectfully submitted to the consideration of Congress.

ANDREW JACKSON.

WASHINGTON, *April 1, 1836.*

To the Senate:

I transmit herewith to the Senate, for their advice and consent as to its ratification, a treaty concluded with the Ottawa and Chippewa Indians.

ANDREW JACKSON.

WASHINGTON, *April 8, 1836.*

To the Senate:

I transmit herewith reports from the Secretaries of the War and Navy Departments, to whom were referred the resolutions adopted by the Senate on the 18th of February last, requesting information of the probable amount of appropriations that would be necessary to place the land and naval defenses of the country upon a proper footing of strength and respectability.

In respect to that branch of the subject which falls more particularly under the notice of the Secretary of War, and in the consideration of which he has arrived at conclusions differing from those contained in the report from the Engineer Bureau, I think it proper to add my concurrence in the views expressed by the Secretary.

ANDREW JACKSON.

WASHINGTON, *April 12, 1836.*

To the Senate:

I transmit herewith a report* from the Secretary of War, communicating the original letter from Major Davis and the statements which accompany it, referred to in the resolution of the Senate of the 8th instant.

ANDREW JACKSON.

WASHINGTON, *April 27, 1836.*

To the Senate of the United States:

I transmit herewith to the Senate, for their advice and consent as to the ratification of the same, a treaty concluded with the Wyandot Indians for a cession of a portion of their reservation in the State of Ohio.

In order to prevent any abuse of the power granted to the chiefs in the fifth article of the treaty, I recommend the adoption of the suggestion contained in the accompanying letter of the Secretary of War; otherwise I shall not feel satisfied in approving that article.

ANDREW JACKSON.

WASHINGTON, *April 29, 1836.*

To the Senate and House of Representatives:

It affords me pleasure to transmit to Congress a copy of the Catalogue of the Arundel Manuscripts in the British Museum, which has been forwarded to me, as will be perceived from the inclosed letter, on behalf of the trustees of that institution, for the purpose of being placed in the United States Library.

ANDREW JACKSON.

To the Senate and House of Representatives:

Believing that the act of the 12th July, 1832, does not enable the Executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I transmit to Congress copies of that article, that the necessary legislative provision may be made for its faithful execution on the part of the United States.

ANDREW JACKSON.

MAY 6, 1836.

* Relating to the treaty of December 29, 1835, with the Cherokee Indians.

WASHINGTON, *May 10, 1836.*

To the Senate and House of Representatives.

Information has been received at the Treasury Department that the four installments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized.

No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

WASHINGTON, *May 14, 1836.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 10th instant, I transmit reports* from the Secretaries of State and War, with the papers accompanying the same.

ANDREW JACKSON.

MAY 14, 1836.

To the Senate of the United States:

I transmit, for the consideration of the Senate, three treaties concluded with certain bands of Pottawatamie Indians in the State of Indiana.

I transmit also a report from the Secretary of War, inclosing the instructions under which these treaties were negotiated.

I would remark that the fourth article of each treaty provides for the appointment of a commissioner and the payment of the debts due by the Indians. There is no limitation upon the amount of these debts, though it is obvious from these instructions that the commissioner should have limited the amount to be applied to this object; otherwise the whole fund might be exhausted and the Indians left without the means of living. I therefore recommend either that the Senate limit the amount at their discretion or that they provide by resolution that the whole purchase money be paid to the Indians, leaving to them the adjustment of their debts.

ANDREW JACKSON.

WASHINGTON, *May 21, 1836.*

To the Senate of the United States:

I transmit herewith two treaties concluded with bands of Pottawatamies in the State of Indiana, with accompanying papers, for the consideration and action of the Senate

ANDREW JACKSON.

* Relating to affairs with Mexico

WASHINGTON, *May 26, 1836.*

To the House of Representatives:

I transmit, in conformity with a resolution of the House of Representatives of the 21st instant, a report of the Secretary of War, containing the information called for on the subject of the causes of the hostilities of the Seminoles and the measures taken to repress them.

ANDREW JACKSON.

WASHINGTON, *May 27, 1836.*

To the House of Representatives:

In further compliance with so much of the resolution of the House of Representatives of the 21st instant as calls for an account of the causes of the hostilities of the Seminole Indians, I transmit a supplementary report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, *May 28, 1836.*

To the Senate of the United States:

I transmit herewith, for the consideration and action of the Senate, a treaty concluded on the 24th instant with the Chippewa Indians of Saganaw.

ANDREW JACKSON.

WASHINGTON, *May 31, 1836*

To the Senate:

I transmit herewith the response of Samuel Gwin, esq.,* to the charges affecting his official conduct and character which were set forth in the evidence taken under the authority of the Senate by the Committee on Public Lands, and which was referred to the President by the resolution of the Senate bearing date the 3d day of March, 1835. This resolution and the evidence it refers to were officially communicated to Mr. Gwin by the Secretary of the Treasury, and the response of Mr. Gwin has been received through the same official channel.

ANDREW JACKSON.

WASHINGTON, *June 1, 1836.*

To the Senate:

I transmit herewith to the Senate a communication which has been received from Mr. B. F. Currey† in answer to a call made upon him by the President, through the War Department, in consequence of the serious charges which were preferred against him by one of the honorable members of the Senate. It seems to be due to justice that the Senate should be furnished, agreeably to the request of Mr. Currey, with the

*Register of the land office for the northwestern district of Mississippi.
†Agent for the removal of the Cherokee Indians.

explanations contained in this communication, particularly as they are deemed so far satisfactory as would render his dismissal or even censure undeserved and improper.

ANDREW JACKSON.

WASHINGTON, *June 3, 1836.*

To the Senate:

In compliance with the resolution of the Senate of the 27th ultimo, requesting the President to inform the Senate "whether any increase or improvement of organization is needed in the Ordnance Corps," I have to state that I entertain no doubt of the propriety of increasing the corps, and that I concur in the plan proposed for this purpose in the accompanying report from the Secretary of War.

ANDREW JACKSON.

WASHINGTON, *June 3, 1836.*

To the House of Representatives:

I transmit herewith a supplemental report from the War Department, in answer to the resolution of the House of Representatives of the 21st ultimo, calling for information respecting the causes of the Seminole hostilities and the measures taken to suppress them.

ANDREW JACKSON.

WASHINGTON, *June 3, 1836.*

To the House of Representatives:

I herewith transmit a report from the Secretary of the Treasury, in relation to the injuries sustained by the bridge across the Potomac River during the recent extraordinary rise of water, and would respectfully recommend to the early attention of Congress the legislation therein suggested.

ANDREW JACKSON.

WASHINGTON, *June 14, 1836.*

To the Senate of the United States:

I transmit a report of the Secretary of State, prepared in compliance with the resolution of the Senate of the 11th instant, upon the subject of the depredations of the Mexicans on the property of Messrs. Chouteau and Demun.

ANDREW JACKSON.

WASHINGTON, *June 15, 1836.*

To the Senate of the United States:

I communicate to the Senate a report from the Secretary of State, with a copy of the correspondence requested by a resolution of the 21st ultimo, relative to the northeastern boundary of the United States.

At the last session of Congress I felt it my duty to decline complying with a request made by the House of Representatives for copies of this correspondence, feeling, as I did, that it would be inexpedient to publish it while the negotiation was pending; but as the negotiation was undertaken under the special advice of the Senate, I deem it improper to withhold the information which that body has requested, submitting to them to decide whether it will be expedient to publish the correspondence before the negotiation has been closed.

ANDREW JACKSON.

WASHINGTON, *June 23, 1836.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant, I transmit a report* from the Secretary of State, with the papers therewith presented. Not having accurate and detailed information of the civil, military, and political condition of Texas, I have deemed it expedient to take the necessary measures, now in progress, to procure it before deciding upon the course to be pursued in relation to the newly declared government.

ANDREW JACKSON.

JUNE 28, 1836.

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of War, conveying the information called for by the House in its resolution of yesterday, concerning the Cherokee treaty recently ratified.

ANDREW JACKSON.

WASHINGTON, *June 28, 1836.*

To the Senate:

As it is probable that it may be proper to send a minister to Paris prior to the next meeting of Congress, I nominate Lewis Cass, now Secretary for the Department of War, to be envoy extraordinary and minister plenipotentiary to France, not to be commissioned until notice has been received here that the Government of France has appointed a minister to the United States who is about to set out for Washington.

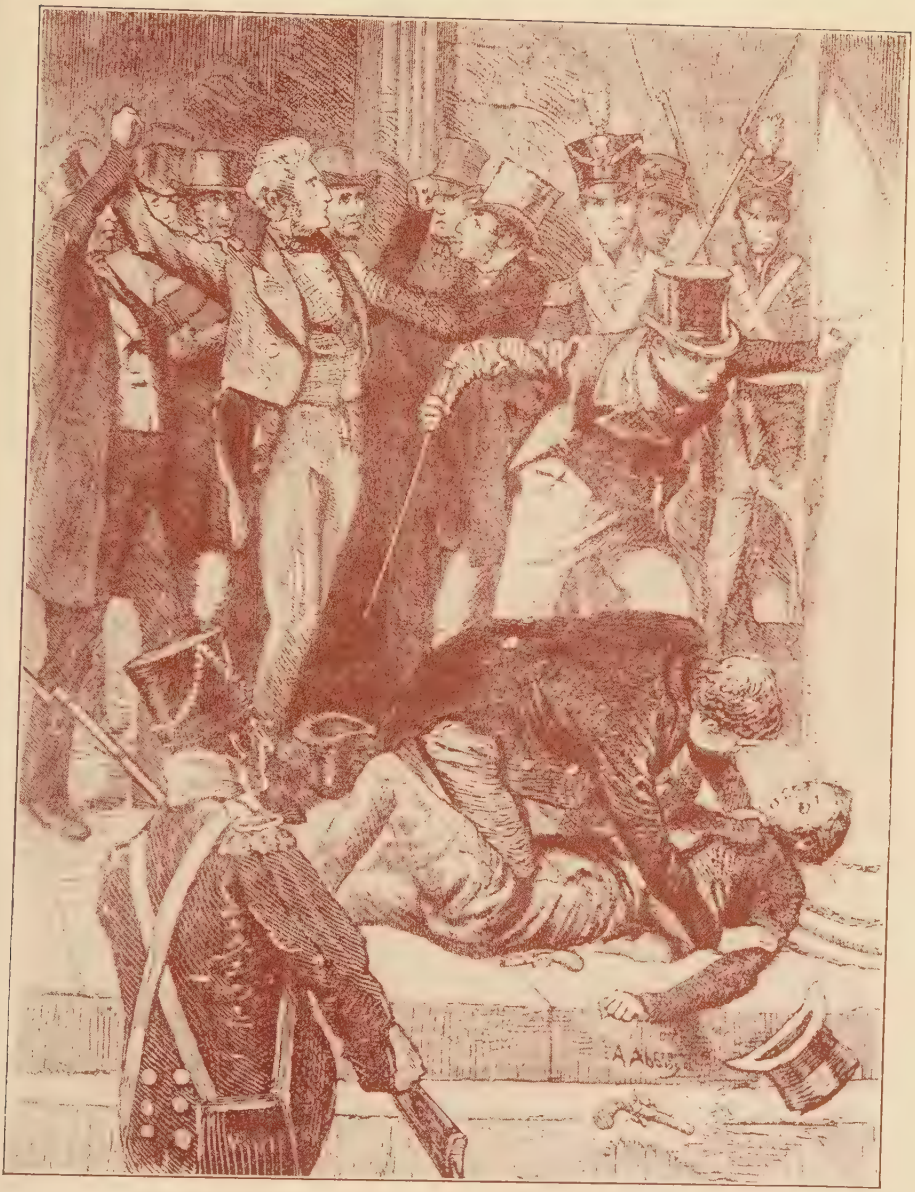
ANDREW JACKSON.

WASHINGTON, *June 30, 1836.*

To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of James Madison, ex-President of the United States.

* Relating to the political condition of Texas, the organization of its Government, and its capacity to maintain its independence, etc.



ATTEMPTED ASSASSINATION OF PRESIDENT JACKSON

ATTEMPTED ASSASSINATION OF ANDREW JACKSON

June 30, 1835

For the first time in our history the hand of the assassin was raised against a President on January 30, 1835, when a painter named Lawrence attempted to shoot Andrew Jackson. Lawrence stood on the portico of the Capitol, near one of the columns. Jackson, leaning on the arm of his Secretary of the Treasury, came within two yards of him. Lawrence drew a pistol from under his coat, raised his arm and fired point blank at Jackson's breast. The percussion cap exploded with a great noise, but the pistol was not fired. Taking another pistol from his coat, the assassin was about to fire when the President sprang upon him, brandishing his cane. The assassin then fled, followed hotly by the aged Executive, but was captured. The pistols, when taken from him, were found to be excellently made, well charged with the best kind of powder, and crammed almost to the muzzle with balls. Their failure to explode was inexplicable and excited the religious fervor of the people as a providential miracle.

Lawrence was tried, but being manifestly insane was committed to an insane asylum where he died thirty or forty years later.

He departed this life at half past 6 o'clock on the morning of the 28th instant, full of years and full of honors.

I hasten this communication in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country and the good of mankind.

ANDREW JACKSON.

To the Senate and House of Representatives:

I transmit to Congress copies of a treaty of peace, friendship, navigation, and commerce between the United States and the Republic of Venezuela, concluded on the 20th of January, and the ratifications of which were exchanged at Caracas on the 31st of May last.

ANDREW JACKSON.

JUNE 30, 1836.

WASHINGTON, *June 30, 1836.*

To the House of Representatives:

I return to the House of Representatives the papers which accompanied their resolution of the 6th of May last, relative to the claim of Don Juan Madrazo, together with a report of the Secretary of State and copies of a correspondence between him and the Attorney-General, showing the grounds upon which that officer declines giving the opinion requested by the resolution.

ANDREW JACKSON.

WASHINGTON, *July 1, 1836.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st January last, I transmit a report* of the Secretary of War, containing the copies called for so far as relates to his Department.

ANDREW JACKSON.

VETO MESSAGE.

WASHINGTON, *June 9, 1836.*

To the Senate of the United States:

The act of Congress "to appoint a day for the annual meeting of Congress," which originated in the Senate, has not received my signature. The power of Congress to fix by law a day for the regular annual meeting of Congress is undoubted, but the concluding part of this act, which

*Relating to frauds in sales of public lands or Indian reservations.

is intended to fix the adjournment of every succeeding Congress to the second Monday in May after the commencement of the first session, does not appear to me in accordance with the provisions of the Constitution of the United States.

The Constitution provides, Article I, section 5, that—

> Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Article I, section 7, that—

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him. * * *

Article II, section 3, that—

> He [the President] may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper. * * *

According to these provisions the day of the adjournment of Congress is not the subject of legislative enactment. Except in the event of disagreement between the Senate and House of Representatives, the President has no right to meddle with the question, and in that event his power is exclusive, but confined to fixing the adjournment of the Congress whose branches have disagreed. The question of adjournment is obviously to be decided by each Congress for itself, by the separate action of each House for the time being, and is one of those subjects upon which the framers of that instrument did not intend one Congress should act, with or without the Executive aid, for its successors. As a substitute for the present rule, which requires the two Houses by consent to fix the day of adjournment, and in the event of disagreement the President to decide, it is proposed to fix a day by law to be binding in all future time unless changed by consent of both Houses of Congress, and to take away the contingent power of the Executive which in anticipated cases of disagreement is vested in him. This substitute is to apply, not to the present Congress and Executive, but to our successors. Considering, therefore, that this subject exclusively belongs to the two Houses of Congress whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the President to decide in the event of disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the Senate. I do so with greater reluctance as, apart from this constitutional difficulty, the other provisions of it do not appear to me objectionable.

ANDREW JACKSON.

PROCLAMATION.

[From Statutes at Large (Little, Brown & Co.), Vol. XI, p. 782.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that, upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is hereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from the Government of His Imperial and Royal Highness the Grand Duke of Tuscany, through an official communication of Baron Lederer, the consul-general of His Imperial and Royal Highness in the United States, under date of the 6th day of August, 1836, that no discriminating duties of tonnage or impost are imposed or levied in the ports of Tuscany upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the Grand Dukedom of Tuscany and the produce, manufactures, or merchandise imported into the United States in the same from the said Grand Dukedom or from any other foreign country, the said suspension to take effect from the 6th day of August, 1836, above mentioned, and to continue so long as

the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer.

Given under my hand, at the city of Washington, the 1st day of September, A. D. 1836, and of the Independence of the United States the sixty-first.

[SEAL.]

ANDREW JACKSON.

By the President:

JOHN FORSYTH,
Secretary of State.

EXECUTIVE ORDER.

HERMITAGE, *August 7, 1836.*

C. A. HARRIS, Esq.,
Acting Secretary of War.

SIR: I reached home on the evening of the 4th, and was soon surrounded with the papers and letters which had been sent here in anticipation of my arrival. Amongst other important matters which immediately engaged my attention was the requisition of General Gaines on Tennessee, Kentucky, Mississippi, and Louisiana. Believing that the reasons given for this requisition were not consistent with the neutrality which it is our duty to observe in respect to the contest in Texas, and that it would embarrass the apportionment which had been made of the 10,000 volunteers authorized by the recent act of Congress, I informed Governor Cannon by letter on the 5th instant that it could not receive my sanction. The volunteers authorized by Congress were thought competent, with the aid of the regular force, to terminate the Indian war in the South and protect our western frontier, and they were apportioned in a manner the best calculated to secure these objects. Agreeably to this apportionment, the volunteers raised in Arkansas and Missouri, and ordered to be held in readiness for the defense of the western frontier, should have been called on before any other requisition was made upon Tennessee, who has already more than her proportion in the field. Should an emergency hereafter arise making it necessary to have a greater force on that frontier than was anticipated when the apportionment was made, it will be easy to order the east Tennessee brigade there. All the volunteers under the act are engaged for one year's service, unless sooner discharged. Taking this view of the subject, I regret that as soon as the War Department had information of the requisition made by General Gaines it had not at once notified the governors of the States that the apportionment of the volunteers at first communicated to them would not be departed from, and that of course those in the States nearest to the scene of threatened hostility would be first called on.

I had written thus far when your letter of the 26th of July last, accompanied by one from General Wool of the 15th of July and one from General Towsen of the 25th of July last, was handed to me. The letter from General Wool was unexpected. His guide was the requisition on the State, and I can not well imagine how he could suppose that the Department would authorize a greater number of troops to be mustered and paid than he was specially directed to receive. He was apprised fully of the apportionment which had been made of the 10,000 volunteers, and of the considerations which induced us to require 1,000 from Florida, 2,000 from Georgia, 2,000 from Alabama, and 2,500 from Tennessee. This force was designated in this manner because it was in the country nearest to the Seminoles, Creeks, and Cherokees, and in like manner near the force designated for the western frontier, except a fraction of about 430 men to be hereafter selected when it should be ascertained where it would be most needed. It is therefore unaccountable to me why General Wool would receive and muster into the service a greater number than has been called for and placed under his command, particularly as he knew that Tennessee had already been called upon for more volunteers than her proportion in the general apportionment. He knows that the President can only execute the law, and he ought to have recollected that if the officers charged with the military operations contemplated by the law were to use their own discretion in fixing the number of men to be received and mustered into the service there could be no certainty in the amount of force which would be brought into the field. His guide was the requisition upon Tennessee for 2,500, and he should never have departed from it.

The brave men whose patriotism brought them into the field ought to be paid, but I seriously doubt whether any of the money now appropriated can be used for this purpose, as all the volunteers authorized by the act of Congress have been apportioned, and the appropriations should be first applicable to their payment if they should be ordered into the field. All that we can do is to bring the subject before the next Congress, which I trust will pass an act authorizing the payment. Those men obeyed the summons of their country, and ought not to suffer for the indiscretion of those who caused more of them to turn out than could be received into the service. The excess would have been avoided had the governor of Tennessee apportioned his requisition to each county or regiment, so as to make the proper number. This, however, can now only be regretted. I can not approve the mustering or reception into the service of the excess further than it may have been done to secure them hereafter the justice which it will be in the power of Congress to extend to them. They ought to be paid for their travel and expense to, at, and from the place of rendezvous, and Congress will doubtless pass the necessary law. Their promptness in tendering their services and equipping themselves for the field is a high evidence of patriotism, and deserves the thanks of their country.

I shall inclose a copy of this letter to General Wool, and write to the governors of Kentucky, Mississippi, and Louisiana to withhold for the present the quota called for under General Gaines's requisition, and if they are concentrated to muster and discharge them and wait for further orders.

I am, yours, respectfully,

ANDREW JACKSON.

EIGHTH ANNUAL MESSAGE.

WASHINGTON, *December 5, 1836.*

Fellow-Citizens of the Senate and House of Representatives:

Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I can not avoid congratulating you, and my country particularly, on the success of the efforts made during my Administration by the Executive and Legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe, and I invite you to unite with me in offering to Him fervent supplications that His providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war consistently with a just and indispensable regard to the rights and honor of our country. But although the present state of our foreign affairs, standing, without important change, as they did when you separated in July last, is flattering in the extreme, I regret to say that many questions of an interesting character, at issue with other powers, are yet unadjusted. Amongst the most prominent of these is that of our northeastern boundary. With an undiminished confidence in the sincere desire of His Britannic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark the

best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that Kingdom.

The blessings of peace have not been secured by Spain. Our connections with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil and all our neighbors of this continent we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Governments will permit. The just and long-standing claims of our citizens upon some of them are yet sources of dissatisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily, acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found on the most severe scrutiny that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should of itself teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States that our character requires that we should neither anticipate events nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconcilement of various and conflicting interests, necessarily a work of time and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy. You will perceive by the accompanying documents that the extraordinary mission from Mexico has been terminated on the sole ground that the obligations of this Government to itself and to Mexico,

under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our Army to advance into territory claimed as part of Texas if necessary to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary who has just left us, the honor of his country will be wounded by American soldiers entering, with the most amicable avowed purposes, upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to reestablish its dominion. The departure of this minister was the more singular as he was apprised that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and there was every reason to suppose that the troops of the United States, their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches, would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State by the Mexican minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inability in execution of the stipulations of our treaty to act upon the frontier, into an encroachment upon its rights or a stain upon its honor.

In the meantime the ancient complaints of injustice made on behalf of our citizens are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance and ample and immediate redress. I trust, however, by tempering firmness with courtesy and acting with great forbearance upon every incident that has occurred or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's being soon able to execute the treaty on its part, it is proper that we should be in anticipation prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government will be communicated to you in the course of the session.

Commercial treaties promising great advantages to our enterprising merchants and navigators have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged,

but have not reached the Department of State. Copies of the treaties will be transmitted to you if received before, or published if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good will which is gradually growing up from our intercourse with the dominions of the Government of the distinguished chief of the Ottoman Empire.

Information has been received at the Department of State that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive from the report of the Secretary of the Treasury that the financial means of the country continue to keep pace with its improvement in all other respects. The receipts into the Treasury during the present year will amount to about $47,691,898; those from customs being estimated at $22,523,151, those from lands at about $24,000,000, and the residue from miscellaneous sources. The expenditures for all objects during the year are estimated not to exceed $32,000,000, which will leave a balance in the Treasury for public purposes on the 1st day of January next of about $41,723,959. This sum, with the exception of $5,000,000, will be transferred to the several States in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation on the 1st day of January next are estimated at $14,636,062, exceeding by $9,636,062 the amount which will be left in the deposit banks, subject to the draft of the Treasurer of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended when the deposit act of the last session received a reluctant approval have been measurably realized. Though an act merely for the deposit of the surplus moneys of the United States in the State treasuries for safe-keeping until they may be wanted for the service of the General Government, it has been extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligations of the deposit act, and without a proper attention to the various principles and interests which are affected by it. It is manifest that the law itself can not sanction such a suggestion, and that as it now stands the States have no more authority to receive and use these deposits without intending to return them than any deposit bank or any individual temporarily charged with the safe-keeping or application of the public money would now have for converting the same to their private use without the consent and against the will of

the Government. But independently of the violation of public faith and moral obligation which are involved in this suggestion when examined in reference to the terms of the present deposit act, it is believed that the considerations which should govern the future legislation of Congress on this subject will be equally conclusive against the adoption of any measure recognizing the principles on which the suggestion has been made.

Considering the intimate connection of the subject with the financial interests of the country and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it in the manner best calculated to conduce to the common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it can not be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists to avert it.

Under our present revenue system there is every probability that there will continue to be a surplus beyond the wants of the Government, and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury, as it now is, or distributed among the people or the States.

To retain it in the Treasury unemployed in any way is impracticable; it is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms and put their weapons of defense in the hands of a standing army would be scarcely more dangerous to their liberties than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the States would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the

Treasury. The shortest reflection must satisfy everyone that to require the people to pay taxes to the Government merely that they may be paid back again is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it even if each individual who contributed a portion of the tax could receive back promptly the same portion. But it is apparent that no system of the kind can ever be enforced which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process and in the various losses and depreciations which arise from other causes, and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposit banks and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property and giving it to another. Such would be the unavoidable result of a rule of equality (and none other is spoken of or would be likely to be adopted), inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally*, and a rule, therefore, that would distribute to them *equally* would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect would be at once to destroy the means of its usefulness and change the character designed for it by the framers of the Constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it may be forcibly illustrated by an examination of the effects already produced by the present deposit act. This act, although certainly designed to secure the safe-keeping of the public revenue, is not entirely free in its tendencies from any of the objections which apply to this principle of distribution. The Government had without necessity received from the people a large surplus, which, instead of being employed as heretofore and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital, and in this manner it has tended to multiply bank charters and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created belonged to the people, but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced

by the steps necessary to collect as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New York, but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State who purchases and consumes an article which has paid a duty at that port contributes to the accumulating mass. The surplus collected there must therefore be made up of moneys or property withdrawn from other points and other States. Thus the wealth and business of every region from which these surplus funds proceed must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus and in making the retransfer which becomes necessary when the time arrives for the distribution of that surplus there is a considerable period when the funds can not be brought into use, and it is manifest that, besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which are always productive of speculation and detrimental to the interests of regular trade. Argument can scarcely be necessary to show that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposit bill of the last session we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue from imposts and public lands must be made up by direct taxes collected from the States in that ratio. It is proposed to distribute this surplus—say $30,000,000—not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of electors of President and Vice-President. The effect of a distribution upon that ratio is shown by the annexed table, marked A.

By an examination of that table it will be perceived that in the distribution of a surplus of $30,000,000 upon that basis there is a great departure from the principle which regards representation as the true measure of taxation, and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation the framers of the Constitution intended to equalize the burdens which are necessary to support the Government, and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views

respecting the political equality of the various members of the Confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection in the annexed table of the differences produced by the ratio used in the deposit act compared with the results of a distribution according to the ratio of direct taxation must satisfy every unprejudiced mind that the former ratio contravenes the spirit of the Constitution and produces a degree of injustice in the operations of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware in the collection of $30,000,000 of revenue would pay into the Treasury $188,716, and in a distribution of $30,000,000 she would receive back from the Government, according to the ratio of the deposit bill, the sum of $306,122; and similar results would follow the comparison between the small and the large States throughout the Union, thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the Constitution which declares that "all duties, imposts, and excises" shall "be uniform throughout the United States" to make the burdens of taxation fall equally upon the people in whatever State of the Union they may reside. But what would be the value of such a uniform rule if the moneys raised by it could be immediately returned by a different one which will give to the people of some States much more and to those of others much less than their fair proportions? Were the Federal Government to exempt in express terms the imports, products, and manufactures of some portions of the country from all duties while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how by the operation of such a principle the large States of the Union would not only have to contribute their just share toward the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the governments of their smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the Constitution when they conferred on Congress the taxing power, and I feel persuaded that a mature examination of the subject will satisfy everyone that there are insurmountable difficulties in the operation of any plan which can be devised of collecting revenue for the purpose of distributing it. Congress is only authorized to levy taxes "*to pay the debts and provide for the common defense and general welfare of the United States.*" There is no such provision as

would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the people. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the Constitution. But however this may be, the only safe rule for us in interpreting the powers granted to the Federal Government is to regard the absence of express authority to touch a subject so important and delicate as this is as equivalent to a prohibition.

Even if our powers were less doubtful in this respect as the Constitution now stands, there are considerations afforded by recent experience which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State governments mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence when there are extravagant and wasteful appropriations there must be a corresponding increase of taxes, and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest the agents of the people in the State governments are repressed and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations and thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State governments as the mainstay of our Union and liberties. The State legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the General Government for increased supplies. Practically there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by widespread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the Old World. In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are in a great degree the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there

is reason to fear that all the complaints which have sprung from this cause would be aggravated. Everyone must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it, and any system, therefore, into which it enters must have a powerful tendency to increase rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue would nevertheless lose none of their force, for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned is to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own government and contribute its due share toward the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation which seeks to convert the surplus revenue into banking capital would be effectually checked, and that the scenes of demoralization which are now so prevalent through the land would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me in my annual messages of 1829 and 1830 have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the Constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands and place under the control of the General Government all the principal roads and canals of the country, in violation of State rights and in derogation of State authority. At the same time the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not without extensive mischief be reduced in season to prevent the accumulation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements in derogation of the rights and powers of the States, the suggestion of an amendment of the Constitution to authorize its distribution was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve

an overburdened treasury until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people in taxes than is necessary for its economical support. Even that alternative was not spoken of but in connection with an amendment of the Constitution. No temporary inconvenience can justify the exercise of a prohibited power or a power not granted by that instrument, and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character that it was suggested only in connection with an appeal to the source of all legal power in the General Government, the States which have established it. No such appeal has been taken, and in my opinion a distribution of the surplus revenue by Congress either to the States or the people is to be considered as among the prohibitions of the Constitution. As already intimated, my views have undergone a change so far as to be convinced that no alteration of the Constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effect upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson that any transient mischief which may attend the reduction of our revenue to the wants of our Government is to be borne in preference to an overflowing treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent from the whole context of the Constitution, as well as the history of the times which gave birth to it, that it was the purpose of the Convention to establish a currency consisting of the precious metals. These, from their peculiar properties which rendered them the standard of value in all other countries, were adopted in this as well to establish its commercial standard in reference to foreign countries by a permanent rule as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities recognized by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the Revolution, had become so justly obnoxious as not only to suggest the clause in the Constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the Convention which negatived the proposition to grant power to Congress to charter corporations—a proposition well understood at the time as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the Convention, the object was afterwards

in effect obtained by its ingenious advocates through a strained construction of the Constitution. The debts of the Revolution were funded at prices which formed no equivalent compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefited by it belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins which made their exportation to foreign countries as a mercantile commodity more profitable than their retention and use at home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became in effect a substitute for the Mint of the United States.

Such was the origin of a national-bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible by any legislative means within our power to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject has been frequently attested by the bitter experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power, and it is to be hoped that the opportunity for effecting this great good will be improved before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver as a circulating medium which experience has proved to be necessary not only in

this but in all other commercial countries. Where those proportions are not infused into the circulation and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation, of the currency by excessive bank issues is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes can not supply their wants out of their wages that the wages rise and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they can not be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities. The next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States and its repugnance to our Constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished except a salutary change of public opinion toward restoring to the country the sound currency provided for in the Constitution. In the acts of several of the States

prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session forbidding their reception or payment on public account, the true policy of the country has been advanced and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws banishing from circulation bank notes of still higher denominations, and the object may be materially promoted by further acts of Congress forbidding the employment as fiscal agents of such banks as continue to issue notes of low denominations and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and overissues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks lent out their notes to speculators. They were paid to the receivers and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land and pay the Government by a credit on the books of the banks. Those credits on the books of some of the Western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes than they were immediately lent to another for a like purpose, and the banks were extending their business and their issues so largely as to alarm considerate men and render it doubtful whether these bank credits if permitted to accumulate would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union and was giving rise to new institutions to aggravate the evil.

The safety of the public funds and the interest of the people generally required that these operations should be checked; and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the 15th of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the Western banks and gave them additional strength in anticipation of the pressure which has since pervaded our Eastern as well as the European commercial cities. By preventing the extension of the credit system it measurably cut off the means of speculation and retarded its progress in monopolizing the

most valuable of the public lands. It has tended to save the new States from a nonresident proprietorship, one of the greatest obstacles to the advancement of a new country and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at Government prices instead of their being compelled to purchase of speculators at double or triple prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country and place it on a firmer foundation. It is confidently believed that the country will find in the motives which induced that order and the happy consequences which will have ensued much to commend and nothing to condemn.

It remains for Congress if they approve the policy which dictated this order to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands except to actual settlers at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive anything but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenues, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general and to the new States in particular which can not fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government at the time of the removal of the deposits. It was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges performed through discounts by the United States Bank and its twenty-five branches were at least one-third less than those of the deposit banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions on the broader basis which has been used by the advocates of the United States Bank in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposit banks.

The whole amount of public money transferred by the Bank of the United States in 1832 was $16,000,000. The amount transferred and actually paid by the deposit banks in the year ending the 1st of October last was $39,319,899; the amount transferred and paid between that period and the 6th of November was $5,399,000, and the amount of

transfer warrants outstanding on that day was $14,450,000, making an aggregate of $59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity, and the rates at which the exchanges have been negotiated previously to the passage of the deposit act were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposit banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposits—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree with the further steps which may be taken to prevent the excessive issue of other bank paper, but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government your particular attention is invited to those articles which constitute the necessaries of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Justice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our Government and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury and the accompanying documents that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience, and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition which Congress authorized the Secretary to collect at their last session. Such measures as are within the power of the Executive have been taken to ascertain the value of the stock and procure the payment as early as possible.

The conduct and present condition of that bank and the great amount of capital vested in it by the United States require your careful attention. Its charter expired on the 3d day of March last, and it has now no power but that given in the twenty-first section, "to use the corporate name, style, and capacity for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the

sale and disposition of their estate—real, personal, and mixed—but not for any other purpose or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter the stockholders of the bank obtained an act of incorporation from the legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns and pay over to the United States the amount due on account of the stock held by them, the president and directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own and again put in circulation. That the old bank had no right to issue or reissue its notes after the expiration of its charter can not be denied, and that it could not confer any such right on its substitute any more than exercise it itself is equally plain. In law and honesty the notes of the bank in circulation at the expiration of its charter should have been called in by public advertisement, paid up as presented, and, together with those on hand, canceled and destroyed. Their reissue is sanctioned by no law and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their reissue by the new corporation for their own profit is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but, contrary to the wishes of the retiring partner and without his consent, are again reissued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the Government and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and judiciary. It remains to be seen whether the persons who as managers of the old bank undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects may now as managers of a new bank continue with impunity to flood the country with a spurious currency, use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property and the prospect of recovering it into their own possession.

The lessons taught by the Bank of the United States can not well be lost upon the American people. They will take care never again to place so tremendous a power in irresponsible hands, and it will be

fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State governments.

It is believed that the law of the last session regulating the deposit banks operates onerously and unjustly upon them in many respects, and it is hoped that Congress, on proper representations, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War *ad interim* and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that Department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the Marine Corps, and of large bodies of militia and volunteers. With all these events so far as they were known at the seat of Government before the termination of your last session you are already acquainted, and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles during the summer was on our part chiefly confined to the protection of our frontier settlements from the incursions of the enemy, and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice in respect to the former by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who as commander in chief of the Territorial militia had been temporarily invested with the command, an ample force for the purpose of resuming offensive operations in the most efficient manner so soon as the season should permit. Major-General Jesup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida and assume the command.

The result of the first movement made by the forces under the direction of Governor Call in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the meantime, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major-General Jesup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations

with the utmost promptitude and vigor. From the force at his disposal and the dispositions he has made and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the meantime, as you will perceive from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your adjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alleged frauds in the purchase of the reservations of these Indians and the causes of their hostilities, requested by the resolution of the House of Representatives of the 1st of July last to be made by the President, is now going on through the agency of commissioners appointed for that purpose. Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier and to the fulfillment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches our troops were yet at that station, but the officer who has succeeded General Gaines has recently been advised that from the facts known at the seat of Government there would seem to be no adequate cause for any longer maintaining that position, and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our frontiers and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year for the service of militia and volunteers have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the Regular Army. The views of this subject submitted by the Secretary of War in his report meet my entire concurrence, and are earnestly commended to the deliberate

attention of Congress. In this connection it is also proper to remind you that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law for organizing, arming, and disciplining this arm of defense has been so repeatedly presented to Congress by myself and my predecessors that I deem it sufficient on this occasion to refer to the last annual message and to former Executive communications in which the subject has been discussed.

It appears from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session that more presented themselves at the place of rendezvous in Tennessee than were sufficient to meet the requisition which had been made by the Secretary of War upon the governor of that State. This was occasioned by the omission of the governor to apportion the requisition to the different regiments of militia so as to obtain the proper number of troops and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous under circumstances authorizing them to believe that their services were needed and would be accepted that the expenses incurred by them while absent from their homes should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous and while there; in connection with which it will also be proper to make provision for such other equitable claims growing out of the service of the militia as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia it became necessary in some cases to take the property of individuals for public use. Provision should be made by law for indemnifying the owners; and I would also respectfully suggest whether some provision may not be made, consistently with the principles of our Government, for the relief of the sufferers by Indian depredations or by the operations of our own troops.

No time was lost after the making of the requisite appropriations in resuming the great national work of completing the unfinished fortifications on our seaboard and of placing them in a proper state of defense. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the Engineer Corps and for a reorganization of the Topographical Corps, submitted to you in my last

annual message, derive additional strength from the great embarrassments experienced during the present year in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions directed by recent laws have been suspended in consequence of the want of adequate force in these corps.

The like observations may be applied to the Ordnance Corps and to the general staff, the operations of which as they are now organized must either be frequently interrupted or performed by officers taken from the line of the Army, to the great prejudice of the service.

For a general view of the condition of the Military Academy and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents, and among the various proposals contained therein for legislative action I would particularly notice the suggestion of the Secretary of War for the revision of the pay of the Army as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government for the removal of the Indian tribes originally settled on this side of the Mississippi to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty and in relation to our Indian affairs generally will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents in respect to those relations will receive your early and mature deliberation, and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the report of the Secretary of the Navy for a satisfactory view of the operations of the Department under his charge during the present year. In the construction of vessels at the different navy-

yards and in the employment of our ships and squadrons at sea that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal appropriations for the purpose and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat and to enlarge generally the capacity and force of the Navy. The increase of our commerce and our position in regard to the other powers of the world will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster-General presents a gratifying picture of the condition of the Post-Office Department. Its revenues for the year ending the 30th June last were $3,398,455.19, showing an increase of revenue over that of the preceding year of $404,878.53, or more than 13 per cent. The expenditures for the same year were $2,755,623.76, exhibiting a surplus of $642,831.43. The Department has been redeemed from embarrassment and debt, has accumulated a surplus exceeding half a million of dollars, has largely extended and is preparing still further to extend the mail service, and recommends a reduction of postages equal to about 20 per cent. It is practicing upon the great principle which should control every branch of our Government of rendering to the public the greatest good possible with the least possible taxation to the people.

The scale of postages suggested by the Postmaster-General recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the Department and its agents.

Your particular attention is invited to the subject of mail contracts with railroad companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price; but on most of the railroad lines there is no competition in that kind of transportation, and advertising is therefore useless. No contract can now be made with them except such as shall be negotiated before the time of offering or afterwards, and the power of the Postmaster-General to pay them high prices is practically without limitation. It would be a relief to him and no doubt would

conduce to the public interest to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort he would undoubtedly be able to secure the services of most of the railroad companies, and the interest of the Department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British Islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New York and Liverpool or other foreign ports, as proposed by the Postmaster-General. On the contrary, it promises, by the security it will afford, to facilitate commercial transactions and give rise to an enlarged intercourse among the people of different nations, which can not but have a happy effect. Through the city of New York most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the provincial post-office asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for as well by our own interest as by comity to the adjoining British provinces.

The expediency of providing a fireproof building for the important books and papers of the Post-Office Department is worthy of consideration. In the present condition of our Treasury it is neither necessary nor wise to leave essential public interests exposed to so much danger when they can so readily be made secure. There are weighty considerations in the location of a new building for that Department in favor of placing it near the other executive buildings.

The important subjects of a survey of the coast and the manufacture of a standard of weights and measures for the different custom-houses have been in progress for some years under the general direction of the Executive and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress the making of a set of weights and measures for each State in the Union was added to the others by a joint resolution.

The care and correspondence as to all these subjects have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole, the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year, with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting. Other claims have been made for large increases in compensation, which, under

all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction the subject was at the last session, on my suggestion and by request of the immediate superintendent, submitted by the Treasury Department to the Committee on Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended that, such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey and the completion of the weights and measures, if the works are kept united, should be devolved on a board of officers organized specially for that purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the Constitution which will prevent in any event the election of the President and Vice-President of the United States devolving on the House of Representatives and the Senate, and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper I think it due to the various Executive Departments to bear testimony to their prosperous condition and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I can not omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country, and I am consoled by the persuasion that whatever errors have been committed will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred during my Administration is calculated

to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health and so much desired by me in other respects, I shall not cease to invoke that beneficent Being to whose providence we are already so signally indebted for the continuance of His blessings on our beloved country.

ANDREW JACKSON.

A.—*Statement of distribution of surplus revenue of $30,000,000 among the several States, agreeably to the number of electoral votes for President and according to the constitutional mode of direct taxation by representative population, and the difference arising from those two modes of distribution, as per census of 1830.*

State.	Representative population.	Electoral vote.	Share according to system of direct taxation.	Share according to electoral vote.	Difference in favor of direct-tax mode.	Difference in favor of electoral-vote mode.
Maine	399,454	10	$999,371	$1,020,408	.....	$21,037
New Hampshire	269,327	7	673,813	714,286	.....	40,473
Massachusetts	610,408	14	1,527,144	1,428,571	$98,573	.....
Rhode Island	97,192	4	243,159	408,163	.....	165,004
Connecticut	297,665	8	744,711	816,327	.....	71,616
Vermont	280,652	7	702,147	714,286	.....	12,139
New York	1,918,578	42	4,799,978	4,285,714	514,264	.....
New Jersey	319,921	8	800,392	816,427	.....	15,935
Pennsylvania	1,348,072	30	3,372,662	3,061,225	311,437	.....
Delaware	75,431	3	188,716	306,122	.....	117,406
Maryland	405,842	10	1,015,352	1,020,408	.....	5,056
Virginia	1,023,502	23	2,560,640	2,346,939	213,701	.....
North Carolina	639,747	15	1,600,546	1,530,612	69,934	.....
South Carolina	455,025	11	1,138,400	1,122,449	15,951	.....
Georgia	429,811	11	1,075,319	1,122,449	.....	47,130
Alabama	262,507	7	656,751	714,286	.....	57,535
Mississippi	110,357	4	276,096	408,163	.....	132,067
Louisiana	171,904	5	430,076	510,204	.....	80,128
Tennessee	625,263	15	1,564,309	1,530,612	33,697	.....
Kentucky	621,832	15	1,555,725	1,530,612	25,113	.....
Ohio	937,901	21	2,346,479	2,142,858	203,621	.....
Indiana	343,030	9	858,206	918,368	.....	60,162
Illinois	157,146	5	393,154	510,204	.....	117,050
Missouri	130,419	4	326,288	408,163	.....	81,875
Arkansas	28,557	3	71,445	306,122	.....	234,677
Michigan	31,[illegible]5	3	79,121	306,102	.....	227,001
Total	11,991,10[illegible]	294	30,000,000	30,000,000	1,486,291	1,486,291

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1836.*

To the Senate and House of Representatives:

I transmit herewith to Congress copies of my correspondence with Mrs. Madison, produced by the resolution adopted at the last session by the Senate and House of Representatives on the decease of her venerated

husband. The occasion seems to be appropriate to present a letter from her on the subject of the publication of a work of great political interest and ability, carefully prepared by Mr. Madison's own hand, under circumstances that give it claims to be considered as little less than official.

Congress has already, at considerable expense, published in a variety of forms the naked journals of the Revolutionary Congress and of the Convention that formed the Constitution of the United States. I am persuaded that the work of Mr. Madison, considering the author, the subject-matter of it, and the circumstances under which it was prepared—long withheld from the public, as it has been, by those motives of personal kindness and delicacy that gave tone to his intercourse with his fellow-men, until he and all who had been participators with him in the scenes he describes have passed away—well deserves to become the property of the nation, and can not fail, if published and disseminated at the public charge, to confer the most important of all benefits on the present and all succeeding generations—accurate knowledge of the principles of their Government and the circumstances under which they were recommended and embodied in the Constitution for adoption.

ANDREW JACKSON.

DEPARTMENT OF STATE, *July 9, 1836.*

The Secretary of State has the honor to report to the President that there is no resolution of Congress on the death of Mr. Madison on file in the Department of State. By application at the offices of the Secretary of the Senate and Clerk of the House of Representatives the inclosed certified copy of a set of resolutions has been procured. These resolutions, being joint, should have been enrolled, signed by the presiding officers of the two Houses, and submitted for the Executive approbation. By referring to the proceedings on the death of General Washington such a course appears to have been thought requisite, but in this case it has been deemed unnecessary or has been omitted accidentally. The value of the public expression of sympathy would be so much diminished by postponement to the next session that the Secretary has thought it best to present the papers, incomplete as they are, as the basis of such a letter as the President may think proper to direct to Mrs. Madison.

JOHN FORSYTH,
Secretary of State.

WASHINGTON, *July 9, 1836.*

Mrs. D. P. MADISON,
Montpelier, Va.

MADAM: It appearing to have been the intention of Congress to make me the organ of assuring you of the profound respect entertained by both its branches for your person and character, and of their sincere condolence in the late afflicting dispensation of Providence, which has at once deprived you of a beloved companion and your country of one of its most valued citizens, I perform that duty by transmitting the documents herewith inclosed.

No expression of my own sensibility at the loss sustained by yourself and the nation could add to the consolation to be derived from these high evidences of the public sympathy. Be assured, madam, that there is not one of your countrymen who feels

more poignantly the stroke which has fallen upon you or who will cherish with a more endearing constancy the memory of the virtues, the services, and the purity of the illustrious man whose glorious and patriotic life has been just terminated by a tranquil death.

I have the honor to be, madam, your most obedient servant,

ANDREW JACKSON.

The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious and beloved fellow-citizen, James Madison, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate and of the Speaker of the House of Representatives be shrouded in black during the present session, and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses wear the usual badge of mourning for thirty days.

Resolved, That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character and of their sincere condolence on the late afflicting dispensation of Providence.

MONTPELIER, *August 20, 1836.*

The PRESIDENT OF THE UNITED STATES:

I received, sir, in due time, your letter conveying to me the resolutions Congress were pleased to adopt on the occasion of the death of my beloved husband—a communication made the more grateful by the kind expression of your sympathy which it contained.

The high and just estimation of my husband by my countrymen and friends and their generous participation in the sorrow occasioned by our irretrievable loss, expressed through their supreme authorities and otherwise, are the only solace of which my heart is susceptible on the departure of him who had never lost sight of that consistency, symmetry, and beauty of character in all its parts which secured to him the love and admiration of his country, and which must ever be the subject of peculiar and tender reverence to one whose happiness was derived from their daily and constant exercise.

The best return I can make for the sympathy of my country is to fulfill the sacred trust his confidence reposed in me, that of placing before it and the world what his pen prepared for their use—a legacy the importance of which is deeply impressed on my mind.

With great respect,

D. P. MADISON.

MONTPELIER, *November 15, 1836.*

The PRESIDENT OF THE UNITED STATES.

SIR: The will of my late husband, James Madison, contains the following provision:

"Considering the peculiarity and magnitude of the occasion which produced the Convention at Philadelphia in 1787, the characters who composed it, the Constitution which resulted from their deliberations, its effects during a trial of so many years on the prosperity of the people living under it, and the interest it has inspired among the friends of free government, it is not an unreasonable inference that a

careful and extended report of the proceedings and discussions of that body, which were with closed doors, by a member who was constant in his attendance, will be particularly gratifying to the people of the United States and to all who take an interest in the progress of political science and the cause of true liberty."

This provision bears evidence of the value he set on his report of the debates in the Convention, and he has charged legacies on them alone to the amount of $1,200 for the benefit of literary institutions and for benevolent purposes, leaving the residuary net proceeds for the use of his widow.

In a paper written by him, and which it is proposed to annex as a preface to the Debates, he traces the formation of confederacies and of the Articles of Confederation, its defects which caused and the steps which led to the Convention, his reasons for taking the debates and the manner in which he executed the task, and his opinion of the framers of the Constitution. From this I extract his description of the manner in which they were taken, as it guarantees their fullness and accuracy:

"In pursuance of the task I had assumed, I chose a seat in front of the presiding member, with the other members on my right and left hands. In this favorable position for hearing all that passed I noted down, in terms legible and in abbreviations and marks intelligible to myself, what was read from the chair or spoken by the members, and losing not a moment unnecessarily between the adjournment and reassembling of the Convention, I was enabled to write out my daily notes during the session, or within a few finishing days after its close, in the extent and form preserved in my own hand on my files.

"In the labor and correctness of this I was not a little aided by practice and by a familiarity with the style and the train of observation and reasoning which characterized the principal speakers. It happened also that I was not absent a single day, nor more than the casual fraction of an hour in any day, so that I could not have lost a single speech, unless a very short one."

However prevailing the restraint which veiled during the life of Mr. Madison this record of the creation of our Constitution, the grave, which has closed over all those who participated in its formation, has separated their acts from all that is personal to him or to them. His anxiety for their early publicity after this was removed may be inferred from his having them transcribed and revised by himself; and, it may be added, the known wishes of his illustrious friend Thomas Jefferson and other distinguished patriots, the important light they would shed for present as well as future usefulness, besides my desire to fulfill the pecuniary obligations imposed by his will, urged their appearance without awaiting the preparation of his other works, and early measures were accordingly adopted by me to ascertain from publishers in various parts of the Union the terms on which their publication could be effected.

It was also intended to publish with these debates those taken by him in the Congress of the Confederation in 1782, 1783, and 1787, of which he was then a member, and selections made by himself and prepared under his eye from his letters narrating the proceedings of that body during the periods of his service in it, prefixing the debates in 1776 on the Declaration of Independence by Thomas Jefferson so as to embody all the memorials in that shape known to exist. This exposé of the situation of the country under the Confederation and the defects of the old system of government evidenced in the proceedings under it seem to convey such preceding information as should accompany the debates on the formation of the Constitution by which it was superseded.

The proposals which have been received, so far from corresponding with the expectations of Mr. Madison when he charged the first of these works with those legacies, have evidenced that their publication could not be engaged in by me without advances of funds and involving of risks which I am not in a situation to make or incur.

Under these circumstances, I have been induced to submit for your consideration whether the publication of these debates be a matter of sufficient interest to the people of the United States to deserve to be brought to the notice of Congress; and should such be the estimation of the utility of these works by the representatives of the nation as to induce them to relieve me individually from the obstacles which impede it, their general circulation will be insured and the people be remunerated by its more economical distribution among them.

With high respect and consideration, D. P. MADISON.

WASHINGTON, *December 6, 1836.*

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Commissioner of the Public Buildings, showing the progress made in the construction of the public buildings which by the act of the 4th of July last the President was authorized to cause to be erected.

ANDREW JACKSON.

DECEMBER 20, 1836.

To the Senate and House of Representatives.

GENTLEMEN: Herewith I transmit a report of the Postmaster-General, and recommend the passage of such laws and the making of such appropriations as may be necessary to carry into effect the measures adopted by him for resuming the business of the Department under his charge and securing the public property in the old Post-Office building.

It is understood that the building procured for the temporary use of the Department is far from being fireproof, and that the valuable books and papers saved from the recent conflagration will there be exposed to similar dangers. I therefore feel it my duty to recommend an immediate appropriation for the construction of a fireproof General Post-Office, that the materials may be obtained within the present winter and the buildings erected as rapidly as practicable.

ANDREW JACKSON.

POST-OFFICE DEPARTMENT, *December 20, 1836.*

The PRESIDENT OF THE UNITED STATES.

SIR: On the morning of the 15th instant I performed the painful duty of reporting to you orally the destruction of the General Post-Office building by fire, and received your instructions to inquire into the cause and extent of the calamity, for the purpose of enabling you to make a communication to Congress.

A few hours afterwards I received, through the chairman of the Committee on the Post-Office and Post-Roads of the House of Representatives, an official copy of a resolution adopted by that House, instructing the committee to institute a similar inquiry, and the chairman asked for such information as it was in my power to give. The investigation directed by you was thus rendered unnecessary.

The corporation of the city of Washington with honorable promptitude offered the Department the use of the west wing of the City Hall, now occupied by the mayor and councils and their officers and the officers of the Chesapeake and Ohio Canal Company. The proprietors of the medical college also tendered the use of their

building on E street, and offers were made of several other buildings in the central parts of the city. An examination was made of such as promise by their magnitude to afford sufficient room for the force employed in the Department, but none were found equal in the commodiousness of their interior structure and abundant room to Fuller's Hotel, opposite the buildings occupied by the Treasury Department on Pennsylvania avenue. That building has been obtained on terms which the accompanying papers (marked 1 and 2) will fully exhibit. The business of the Department will be immediately resumed in that building.

The agreement with Mr. Fuller will make necessary an immediate appropriation by Congress, and upon that body will devolve also the duty of providing for the payment of the rent, if they shall approve of the arrangement.

In the meantime steps have been taken to secure all that is valuable in the ruins of the Post-Office building, and to protect from the weather the walls of so much of it as was occupied by the General Post-Office which stand firm.

The Department has no fund at command out of which the services necessary in the accomplishment of these objects can be paid for, nor has it the means to replace the furniture which has been lost and must be immediately obtained to enable the clerks to proceed with their current business.

These facts I deem it my duty to report to you, that you may recommend to Congress such measures thereupon as you may deem expedient.

With the highest respect, your obedient servant,

AMOS KENDALL.

WASHINGTON, *December 20, 1836.*

To the Senate of the United States:

I transmit herewith, for the consideration and action of the Senate, treaties concluded with the Ioways and Sacs of Missouri, with the Sioux, with the Sacs and Foxes, and with the Otoes and Missourias and Omahas, by which they have relinquished their rights in the lands lying between the State of Missouri and the Missouri River, ceded in the first article of the treaty with them of July 15, 1830.

ANDREW JACKSON.

WASHINGTON, *December 20, 1836.*

To the Senate of the United States:

I transmit herewith to the Senate, for their consideration in reference to its ratification, a treaty of peace and friendship between the United States of America and the Emperor of Morocco, concluded at Meccanez on the 16th of September, 1836, with a report of the Secretary of State and the documents therein mentioned.

ANDREW JACKSON.

WASHINGTON, *December 21, 1836.*

To the Senate and House of Representatives of the United States:

During the last session information was given to Congress by the Executive that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration

extracts from the report of the agent who had been appointed to collect it relative to the condition of that country.

No steps have been taken by the Executive toward the acknowledgment of the independence of Texas, and the whole subject would have been left without further remark on the information now given to Congress were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas and indication of the views of Congress make it proper that I should somewhat in detail present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such state has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or the New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the revolutions of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements of those Kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles has been the action of our Government that we have under the most critical circumstances avoided all censure and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been by force of evidence compelled to decide.

It has thus been made known to the world that the uniform policy and practice of the United States is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognize the authority of the prevailing party, without reference to our particular interests and views or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy that no serious disagreement has ever arisen among

ourselves in relation to it, although brought under review in a variety of forms and at periods when the minds of the people were greatly excited by the agitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

In making these suggestions it is not my purpose to relieve myself from the responsibility of expressing my own opinions of the course the interests of our country prescribe and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof and waited, not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were

they recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American States who began or carried on the contest with the parent country united under one form of government. We acknowledged the separate independence of New Granada, of Venezuela, and of Ecuador only after their independent existence was no longer a subject of dispute or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, the chief of the Republic himself captured, and all present power to control the newly organized Government of Texas annihilated within its confines. But, on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic under another executive is rallying its forces under a new leader and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion the independence of Texas may be considered as suspended, and were there nothing peculiar in the relative situation of the United States and Texas our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. A large proportion of its civilized inhabitants are emigrants from the United States, speak the same language with ourselves, cherish the same principles, political and religious, and are bound to many of our citizens by ties of friendship and kindred blood; and, more than all, it is known that the people of that country have instituted the same form of government with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the

independence of the new Government, at least until the lapse of time or the course of events shall have proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the Government constituted by them. Neither of the contending parties can justly complain of this course. By pursuing it we are but carrying out the long-established policy of our Government—a policy which has secured to us respect and influence abroad and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which after much reflection I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

ANDREW JACKSON.

DECEMBER 26, 1836.

To the Senate of the United States:

I herewith transmit to the Senate the report of the Secretary of the Treasury, giving all the information required by their resolution of the 19th instant, calling for a list of the different appropriations which will leave unexpended balances on the 1st day of January next.

ANDREW JACKSON.

WASHINGTON, *December 26, 1836.*

To the Senate of the United States:

I nominate William Gates, late major of the First Regiment of Artillery, for reappointment in the Army, to be major in the Second Regiment of Artillery, to take rank from the 30th May, 1832, the date of his former commission. This officer was stricken from the rolls of the Army by my order on the 7th of June last, upon a full consideration by me of the proceedings of a court of inquiry held at his request for the purpose of investigating his conduct during and subsequent to the attack on Fort Barnwell, at Volusia, in Florida, in April last, which court, after mature deliberation on the testimony before them, expressed the opinion "that the effective force under the command of Major Gates was much greater than the estimated force of the Indians who attacked him on the morning of the 14th of April, 1836, and that therefore he was capable of meeting the enemy in the field if necessary; also, that the bodies of two volunteers killed were improperly left exposed, and ought to have been

brought in on the morning when they were killed, such exposure necessarily operating injuriously on the garrison." He is now nominated for a reappointment to the end that he may be brought to trial before a court-martial, such a trial being solicited by him.

ANDREW JACKSON.

WASHINGTON, *December, 1836.*

To the Senate and House of Representatives of the United States:

By the second section of the act "to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June 15, 1836, the constitution and State government which the people of Michigan had formed for themselves was ratified and confirmed and the State of Michigan declared to be one of the United States of America, and admitted into the Union upon an equal footing with the original States, but on the express condition that the said State should consist of and have jurisdiction over all the territory included within certain boundaries described in the act, and over none other. It was further enacted by the third section of the same law that, as a compliance with the fundamental condition of admission, the boundaries of the State of Michigan, as thus described, declared, and established, should "receive the assent of a convention of delegates elected by the people of said State for the sole purpose of giving the assent" therein required; that as soon as such assent should be given the President of the United States should announce the same by proclamation, and that thereupon, and without any further proceeding on the part of Congress, the admission of the State into the Union as one of the United States of America should be considered as complete, and the Senators and Representatives in the Congress of the United States entitled to take their seats without further delay.

In the month of November last I received a communication inclosing the official proceedings of a convention assembled at Ann Arbor, in Michigan, on the 26th of September, 1836, all which (marked A) are herewith laid before you. It will be seen by these papers that the convention therein referred to was elected by the people of Michigan pursuant to an act of the State legislature passed on the 25th of July last in consequence of the above-mentioned act of Congress, and that it declined giving its assent to the fundamental condition prescribed by Congress and rejected the same.

On the 24th instant the accompanying paper (marked B), with its inclosure, containing the proceedings of a convention of delegates subsequently elected and held in the State of Michigan, was presented to me. By these papers, which are also herewith submitted for your consideration, it appears that elections were held in all the counties of the State,

except two, on the 5th and 6th days of December instant, for the purpose of electing a convention of delegates to give the assent required by Congress; that the delegates then elected assembled in convention on the 14th day of December instant, and that on the following day the assent of the body to the fundamental condition above stated was formally given.

This latter convention was not held or elected by virtue of any act of the Territorial or State legislature; it originated from the people themselves, and was chosen by them in pursuance of resolutions adopted in primary assemblies held in the respective counties. The act of Congress, however, does not prescribe by what authority the convention shall be ordered, or the time when or the manner in which it shall be chosen. Had these latter proceedings come to me during the recess of Congress, I should therefore have felt it my duty, on being satisfied that they emanated from a convention of delegates elected in point of fact by the people of the State for the purpose required, to have issued my proclamation thereon as provided by law; but as the authority conferred on the President was evidently given to him under the expectation that the assent of the convention might be laid before him during the recess of Congress and to avoid the delay of a postponement until the meeting of that body, and as the circumstances which now attend the case are in other respects peculiar and such as could not have been foreseen when the act of June 15, 1836, was passed, I deem it most agreeable to the intent of that law, and proper for other reasons, that the whole subject should be submitted to the decision of Congress. The importance of your early action upon it is too obvious to need remark.

ANDREW JACKSON.

WASHINGTON, *December 28, 1836.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 23d instant, I herewith transmit a report* from the Secretary of State, to whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

ANDREW JACKSON.

To the Senate of the United States:

I transmit to the Senate a report† of the Secretary of the Navy, complying with their resolution of the 24th of May, 1836.

ANDREW JACKSON.

DECEMBER 29, 1836.

* Relating to the bequest of James Smithson.

† Relating to the survey of the harbors south of the Chesapeake.

WASHINGTON, *December 30, 1836.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War *ad interim*, with certain accompanying papers* from the Engineer Department, required to complete the annual report from that Department.

ANDREW JACKSON.

WASHINGTON, *December 30, 1836.*

To the Senate of the United States:

I transmit herewith, for your consideration and action, four treaties with bands of Potawatamie Indians in Indiana, accompanied by a report from the War Department and sundry other papers.

ANDREW JACKSON.

WASHINGTON, *December 30, 1836.*

To the Senate of the United States:

I transmit herewith, for your consideration and action, a treaty with the Menomonie tribe of Indians, accompanied by a report from the War Department. I recommend the modifications proposed in the report.

ANDREW JACKSON.

WASHINGTON, *January 7, 1837.*

To the House of Representatives of the United States:

I herewith transmit to Congress a report of the Secretary of State, with the accompanying letter, addressed to him by the commission appointed under the act of Congress of the last session for carrying into effect the convention between the United States and Spain.

ANDREW JACKSON.

WASHINGTON, *January 9, 1837.*

To the Senate of the United States:

Immediately after the passage by the Senate, at a former session, of the resolution requesting the President to consider the expediency of opening negotiations with the governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by equitable treaty stipulations with them, such individuals or companies as might undertake to open a communication between the Atlantic and Pacific oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations on the payment of such

*Reports of the superintendents of the Cumberland road in Indiana and Illinois and of the improvement of the Ohio River above the Falls.

reasonable tolls as ought to be established to compensate the capitalists who might engage in such undertaking and complete the work, an agent was employed to obtain information in respect to the situation and character of the country through which the line of communication, if established, would necessarily pass, and the state of the projects which were understood to be contemplated for opening such communication by a canal or a railroad. The agent returned to the United States in September last, and although the information collected by him is not as full as could have been desired, yet it is sufficient to show that the probability of an early execution of any of the projects which have been set on foot for the construction of the communication alluded to is not so great as to render it expedient to open a negotiation at present with any foreign government upon the subject.

ANDREW JACKSON.

WASHINGTON, *January 17, 1837.*

To the House of Representatives of the United States:

I hereby submit to the House of Representatives certain communications from the Secretary of the Treasury and the attorney of the United States for the District of Columbia. They relate to the difficulties which have been interposed under the existing laws in bringing to conviction and punishment the supposed incendiaries of the Treasury buildings in the year 1833.

The peculiar circumstances of this case, so long concealed, and of the flagrant frauds by persons disconnected with the Government, which were still longer concealed, and to screen some of which forever was probably a principal inducement to the burning of the buildings, lead me earnestly to recommend a revision of the laws on this subject. I do this with a wish not only to render the punishment hereafter more severe for the wanton destruction of the public property, but to repeal entirely the statute of limitation in all criminal cases, except small misdemeanors, and in no event to allow a party to avail himself of its benefits during the period the commission of the crime was kept concealed or the persons on trial were not suspected of having perpetrated the offense.

It must be manifest to Congress that the exposed state of the public records here, without fireproof buildings, imperatively requires the most ample remedies for their protection, and the greatest vigilance and fidelity in all officers, whether executive or judicial, in bringing to condign punishment the real offenders.

Without these the public property is in that deplorable situation which depends quite as much on accident and good fortune as the laws, for safety.

ANDREW JACKSON.

[The same message was sent to the Senate.]

WASHINGTON, *January 17, 1837.*

To the Senate and House of Representatives of the United States:

I transmit to Congress herewith the copy of an act of the State of Missouri passed on the 16th ultimo, expressing the assent of that State to the several provisions of the act of Congress entitled "An act to extend the western boundary of the State of Missouri to the Missouri River," approved June 7, 1836. A copy of the act, duly authenticated, has been deposited in the Department of State.

ANDREW JACKSON.

JANUARY 18, 1837.

To the Senate of the United States:

In compliance with a resolution of the Senate at their last session, I herewith transmit the inclosed documents, which contain all the information on the subject of the claim of the heirs of George Galphin within the power of the Executive.

ANDREW JACKSON.

WASHINGTON, *January 18, 1837.*

To the Senate of the United States:

In compliance with the resolution of the Senate dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last by the President of the Mexican Republic, and a copy of my reply to the same on the 4th of September. No other communication on the subject of the resolution referred to has been made to the Executive by any other foreign government, or by any person claiming to act in behalf of Mexico.

ANDREW JACKSON.

The President of the Mexican Republic to the President of the United States.

COLUMBIA, IN TEXAS, *July 4, 1836.*

His Excellency General ANDREW JACKSON,
President of the United States of America.

MUCH ESTEEMED SIR: In fulfillment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of 6,000 Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander in chief of the Texan army, and by his successor, General Thomas J. Rusk, for the termination of the war; the decision of the President and cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies inclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brasos, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfill the other engagements, and with that intent I embarked on board the schooner *Invincible*, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early

in last month; and in consequence of it the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola and has ordered his successor, General Urrea, to continue its operations, in obedience to which order that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation and of my going to Mexico according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war and of its disasters is therefore inevitable unless the voice of reason be heard in proper time from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country which I did not possess four months ago. I have too much zeal for the interests of my country to wish for anything which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death rather than consent to any compromise if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation. That conviction alone determined me sincerely to agree to what has been stipulated, and in the same spirit I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part. Afford me the satisfaction of avoiding approaching evils and of contributing to that good which my heart advises. Let us enter into negotiations by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world, and who, under the protection of the two nations, will attain its object within a few years.

The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted you will see the sentiments which animate me, and with which I remain, your most humble and obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.

The President of the United States to the President of the Mexican Republic.

HERMITAGE, *September 4, 1836.*

General ANTONIO LOPEZ DE SANTA ANNA.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th day of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texan frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations; but it proceeds on the principle that all nations have the right to alter, amend, or change their own government as the sovereign power—the people—may direct. In this respect it never interferes with the policy of other powers, nor

can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations or remove the causes of misunderstanding is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican minister from considering it. That Government has notified us that as long as you are a prisoner no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it. To be instrumental in terminating the evils of civil war and in substituting in their stead the blessings of peace is a divine privilege. Every government and the people of all countries should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, commander in chief of the Texan army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the meantime I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken and can add to the number of those scenes of bloodshed which have already marked the progress of their contest and have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

JANUARY 19, 1837.

To the Senate and House of Representatives of the United States:

I herewith transmit a copy of the annual report of the Director of the Mint, showing the operations of the institution during the past year and also the progress made toward completion of the branch mints in North Carolina, Georgia, and Louisiana.

ANDREW JACKSON.

WASHINGTON, *January 20, 1837.*

To the Senate and House of Representatives:

In compliance with the act of Congress of the 3d of March, 1829, I herewith transmit to Congress the report of the board of inspectors of the penitentiary of Washington, and beg leave to draw their attention to the fact presented with the report, "that the inspectors have received no compensation for their services for two years, viz, 1829 and 1830," and request that an appropriation be made for the same.

ANDREW JACKSON.

WASHINGTON, *January 21, 1837.*

To the Senate of the United States:

I transmit, for your constitutional action, a report from the War Department, accompanied by a treaty with the Stockbridge and Munsee Indians.

ANDREW JACKSON.

WASHINGTON, *January 21, 1837.*

To the Senate of the United States:

I transmit, for your constitutional action, a report from the War Department, accompanied by a treaty with a portion of the New York Indians.

ANDREW JACKSON.

WASHINGTON, *January 25, 1837.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 17th instant, I transmit a report* from the Secretary of State, together with the documents by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, *January 27, 1837.*

To the Senate and House of Representatives:

I transmit herewith certain papers from the War Department, relative to the improvement of Brunswick Harbor, Georgia.

ANDREW JACKSON.

WASHINGTON, *January 30, 1837.*

To the House of Representatives of the United States:

I herewith transmit to the House the copy of a letter addressed to me by the governor of the State of Maine on the 30th of June last, communicating sundry resolutions of the legislature of that State and claiming the reimbursement of certain moneys paid to John and Phineas R. Harford for losses and expenses incurred by them under circumstances explained in the accompanying papers.

ANDREW JACKSON.

WASHINGTON, *February 6, 1837.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with the resolution of the House of Representatives of the 3d instant, I herewith transmit the report† of the Secretary of the Navy, which affords all the information required by said resolution. The

* Relating to the condition of the political relations between the United States and Mexico, and to the condition of Texas.

† Relating to the South Sea exploring expedition.

President begs leave to add that he trusts that all facilities will be given to this exploring expedition that Congress can bestow and the honor of the nation demands.

ANDREW JACKSON.

WASHINGTON, *February 6, 1837.*

To the Senate and House of Representatives of the United States:

At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us upon another demand thereof made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find in the condition of the affairs between the

two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my cooperation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, *February 7, 1837.*

To the Senate of the United States:

I transmit communications from the War Department relating to the treaty with the Sacs and Foxes recently submitted to the Senate.

ANDREW JACKSON.

WASHINGTON, *February 7, 1837.*

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, a report from the War Department, accompanied by a treaty with the Saganaw tribe of Chippewa Indians.

ANDREW JACKSON.

WASHINGTON, *February, 1837.*

To the Senate of the United States:

I transmit, for your consideration and action, a treaty with certain Potawatamie Indians, accompanied by a report from the War Department.

ANDREW JACKSON.

WASHINGTON, *February 9, 1837.*

To the Senate and House of Representatives of the United States:

I communicate to Congress printed copies of the treaty of peace and commerce between the United States and the Empire of Morocco, concluded at Meccanez on the 16th day of September last, and duly ratified by the respective Governments.

ANDREW JACKSON.

WASHINGTON, *February 11, 1837.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a letter addressed to me on the 30th ultimo by the governor of the State of New Hampshire, communicating several resolutions of the legislature of that Commonwealth and claiming the reimbursement of certain expenses incurred by that State in maintaining jurisdiction over that portion of its territory north of the forty-fifth degree of north latitude, known by the name of Indian Stream, under circumstances explained in his excellency's letter.

ANDREW JACKSON.

WASHINGTON, *February 13, 1837.*

To the Senate of the United States:

I herewith transmit to the Senate a report* from the Secretary of State, with accompanying papers, embracing a copy of the correspondence requested by the resolution of the 7th instant, and such additional documents as were deemed necessary to a correct understanding of the whole subject.

ANDREW JACKSON.

WASHINGTON CITY, *February 14, 1837.*

To the House of Representatives:

I transmit herewith a copy of the instructions, prepared under my direction by the War Department, for the commissioners appointed by me, in pursuance of the request contained in the resolution adopted by the House of Representatives on the 1st of July last, to investigate the causes of the hostilities then existing with the Creek Indians, and also copies of the reports on that subject received from the commissioners.

ANDREW JACKSON.

FEBRUARY 15, 1837.

To the Senate of the United States:

I herewith transmit to the Senate a report of the Postmaster-General, on the subject of the claims of Messrs. Stockton and Stokes, with a review of that report by the Solicitor of the Treasury, to whom, under a law of the last session of Congress, all the suspended debts of those contractors had been submitted; also a supplemental rejoinder by the Postmaster-General since the report of the Solicitor of the Treasury was made, with the papers accompanying the same, all of which are respectfully submitted for the consideration of the Senate.

ANDREW JACKSON.

WASHINGTON, *February 15, 1837.*

To the Senate of the United States:

I transmit herewith, for your consideration and action, a treaty lately made with the Sioux of the Mississippi, accompanied by a report from the War Department.

ANDREW JACKSON.

WASHINGTON, *February, 1837.*

To the Senate of the United States:

I transmit herewith a convention between the Choctaws and Chickasaws, which meets my approbation, and for which I ask your favorable consideration and action.

ANDREW JACKSON.

*Relating to the seizure of slaves on board the brigs *Encomium* and *Enterprise* by the authorities of Bermuda and New Providence.

WASHINGTON, *February 20, 1837.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 9th ultimo, I transmit a report from the Secretary of State and the documents* by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, *February 24, 1837.*

To the House of Representatives:

I transmit a letter from the Secretary of War *ad interim*, accompanied by various documents, in relation to a survey recently made of the mouths of the Mississippi River under a law of the last session of Congress.

ANDREW JACKSON.

WASHINGTON, *March 3, 1837.*

To the Senate of the United States:

In the month of October last, the office of Secretary of War being vacant, I appointed Benjamin F. Butler, of the State of New York, to perform the duties thereof during the pleasure of the President, but with the expectation that the office would be otherwise filled, on the nomination of my successor, immediately on the commencement of his term of service. This expectation I have reason to believe will be fulfilled, but as it is necessary in the present state of the public service that the vacancy should actually occur, and as it is doubtful whether Mr. Butler can act under his present appointment after the expiration of the present session of the Senate, I hereby nominate the said Benjamin F. Butler to be Secretary of War of the United States, to hold the said office during the pleasure of the President until a successor duly appointed shall accept such office and enter on the duties thereof.

ANDREW JACKSON.

WASHINGTON, *March 3, 1837.*

To the Senate of the United States:

In my message to Congress of the 21st of December last I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject has been repeatedly discussed in both branches of the Legislature. These discussions have resulted in the insertion of a clause in the general appropriation law passed by both Houses providing

*Correspondence of William Tudor, jr., while consul, etc., of the United States to Peru and chargé d'affaires at Rio de Janeiro.

for the outfit and salary of a diplomatic agent to be sent to the Republic of Texas whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister, and in the adoption of a resolution by the Senate, the constitutional advisers of the Executive on the diplomatic intercourse of the United States with foreign powers, expressing the opinion that "the State of Texas having established and maintained an independent government capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper and in conformity with the laws of nations and the practice of this Government in like cases that the independent political existence of said State be acknowledged by the Government of the United States." Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcée La Branche, of Louisiana, to be chargé d'affaires to the Republic of Texas.

ANDREW JACKSON.

VETO MESSAGE.*

MARCH 3, 1837—11.45 p. m.

The bill from the Senate entitled "An act designating and limiting the funds receivable for the revenues of the United States" came to my hands yesterday at 2 o'clock p. m. On perusing it I found its provisions so complex and uncertain that I deemed it necessary to obtain the opinion of the Attorney-General of the United States on several important questions touching its construction and effect before I could decide on the disposition to be made of it. The Attorney-General took up the subject immediately, and his reply was reported to me this day at 5 o'clock p. m., and is hereunto annexed. As this officer, after a careful and laborious examination of the bill and a distinct expression of his opinion on the points proposed to him still came to the conclusion that the construction of the bill, should it become a law, would yet be a subject of much perplexity and doubt (a view of the bill entirely coincident with my own), and as I can not think it proper, in a matter of such vital interest and of such constant application, to approve a bill so liable to diversity of interpretations, and more especially as I have not had time, amid the duties

* Pocket veto. This message was never sent to Congress, but was deposited in the Department of State.

constantly pressing on me, to give the subject that deliberate consideration which its importance demands, I am constrained to retain the bill, without acting definitively thereon; and to the end that my reasons for this step may be fully understood I shall cause this paper, with the opinion of the Attorney-General and the bill in question, to be deposited in the Department of State.

ANDREW JACKSON.

ATTORNEY-GENERAL'S OFFICE, *March 3, 1837.*

The PRESIDENT OF THE UNITED STATES.

SIR: I have had the honor to receive the several questions proposed to me by you on the bill which has just passed the two Houses of Congress, entitled "An act designating and limiting the funds receivable for the revenues of the United States," and which is now before you for consideration. These questions may be arranged under three general heads, and in that order I shall proceed to reply to them.

I. Will the proposed bill, if approved, repeal or alter the laws now in force designating the currency required to be received in payment of the public dues, for lands or otherwise?

Will it compel the Treasury officers to receive the notes of specie-paying banks having the characteristics described in its first and second sections?

In what respect does it differ from and how far will it change the joint resolution of April 30, 1816?

Answer. In order to a correct reply to this question, and indeed to any other question arising on this obscurely penned bill, we must first obtain a general view of all its provisions.

The first section requires the Secretary of the Treasury to take measures for collecting the public revenue, first, in the legal currency of the United States (i. e., gold and silver), or, second, in the notes of such specie-paying banks as shall from time to time conform to certain conditions in regard to small bills, described in the section. This section does not expressly give the Secretary power to direct that any particular notes *shall* be received for lands or for duties, but it *forbids* the receipt of any paper currency other than such bank notes as are described in the section; and it requires the Secretary to adopt measures, in his discretion, to effectuate that prohibition.

The second section extends the prohibition still further, by forbidding the receipt of any notes which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as *cash;* to which is added a proviso authorizing the Secretary to withdraw the public deposits from any bank which shall refuse to receive as cash from the United States any notes receivable under the law which such bank receives in the ordinary course of business on general deposit.

The third and last section allows the receipt, as heretofore, of land scrip and Treasury certificates for public lands, and forbids the Secretary of the Treasury to make any discrimination in the funds receivable (other than such as results from the receipt of land scrip or Treasury certificates) between the different branches of the public revenue.

From this analysis of the bill it appears that, so far as regards bank notes, the bill designates and limits their receivableness for the revenues of the United States, first, by forbidding the receipts of any except such as have all the characteristics described in the first and second sections of the bill, and, secondly, by restraining the Secretary

of the Treasury from making any discrimination in this respect between the different branches of the public revenue. In this way the bill performs, to a certain extent, the office of "designating and limiting the funds receivable for the revenues of the United States," as mentioned in its title; but it would seem from what has been stated that it is only in this way that any such office is performed. This impression will be fully confirmed as we proceed.

The bill, should it be approved, will be supplementary to the laws now in force relating to the same subject, but as it contains no repealing clause no provision of those former laws, except such as may be plainly repugnant to the present bill, will be repealed by it.

The existing laws embraced in the above question, and applicable to the subject, are:

First. As to duties on goods imported.—The seventy-fourth section of the collection law of the 2d of March, 1799, the first of which, reenacting in this respect the act of the 31st of July, 1789, provides "that all duties and fees to be collected shall be *payable in money of the United States or in foreign gold and silver coins* at the following rates," etc. The residue of the section, as to rates, has been altered by subsequent laws, and the clause quoted was varied during the existence of the Bank of the United States, the notes of which were expressly made receivable in all payments to the United States, and during the existence of the act making Treasury notes receivable by such act; but in no other respects has it ever been repealed.

Second. As to public lands.—The general land law of the 10th of May, 1800, section 5, provided that no lands should be sold, "at either public or private sale, for less than $2 per acre, and payment may be made for the same by all purchasers *either in specie or in evidences of the public debt of the United States*, at the rates prescribed" by a prior law. This provision was varied by the acts relative to Treasury notes and the Bank of the United States in like manner as above mentioned. The second section of the general land law of the 24th of April, 1820, abrogated the allowance of credits on the sale of public lands after the 1st day of July then next; required every purchaser at public sale to make complete payment on the day of purchase, and the purchaser at private sale to produce to the register a receipt from the Treasurer of the United States or from the receiver of the district for the amount of the purchase money. The proviso to the fourth section of the same law enacted, in respect to reverted lands and lands remaining unsold, that they should not be sold for less price than $1.25 per acre, "nor on any other terms than that of *cash* payment." This latter act has been further modified by the allowing Virginia land scrip to be received in payment for public lands.

Third. As to both duties and lands.—The joint resolution of the 30th of April, 1816, provides that the Secretary of the Treasury "be required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, *as by law provided and declared*, or in notes of banks which are payable and paid on demand in the said legal currency of the United States, and that from and after the 20th day of February next no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the legal currency of the United States." According to the opinion given by me as a member of your Cabinet in the month of July last, and to which I still adhere, this resolution was mandatory only as it respected the legal currency of the United States, Treasury notes, and notes of the Bank of the United States, and in respect to the notes of the

State banks, though payable and paid in specie, was permissive merely in the discretion of the Secretary; and in accordance with this opinion has been the practical construction given to the resolution by the Treasury Department. It is known to you, however, that distinguished names have been vouched for the opinion that the resolution was mandatory as to the notes of all specie-paying banks; that the debtor had the right, at his option, to make payment in such notes, and that if tendered by him the Treasury officers had no discretion to refuse them.

It is thus seen that the laws now in force, so far as they *positively enjoin* the receipt of any particular currency in payment of public dues, are confined to gold and silver, except that in certain cases Virginia land scrip and Treasury certificates are directed to be received on the sale of public lands. In my opinion, there is nothing in the bill before me repugnant to those laws. The bill does not *expressly* declare and enact that any particular species of currency *shall be receivable* in payment of the public revenue. On the contrary, as the provisions of the first and second sections are chiefly of a *negative* character, I think they do not take away the power of the Secretary, previously possessed under the acts of Congress, and as the agent of the President, to *forbid* the receipt of any bank notes which are not by some act of Congress expressly made absolutely receivable in payment of the public dues.

The above view will, I think, be confirmed by a closer examination of the bill. It sets out with the assumption that there is a currency established by law (i. e., gold and silver); and it further assumes that the public revenue of all descriptions ought to be collected exclusively in such legal currency, or in bank notes of a certain character; and therefore it provides that the Secretary of the Treasury *shall* take measures to effect a collection of the revenue "in the legal currency of the United States, *or* in notes of banks which are payable and paid on demand in the said legal currency," under certain restrictions, afterwards mentioned in the act.

The question then arises: Are bank notes having the requisite characteristics placed by the clause just quoted on the same footing with the legal currency, so as to make it the duty of the Secretary of the Treasury to allow the receipt of them when tendered by the debtor? In my judgment, such is not the effect of the provision.

If Congress had intended to make so important an alteration of the existing law as to compel the receiving officers to take payment in the bank notes described in the bill, the natural phraseology would have been, "in the legal currency of the United States *and* in notes of banks which are payable and paid in the legal currency," etc. And it is reasonable to presume that Congress would have used such phraseology, or would have gone on to make a distinct provision expressly declaring that such bank notes *should be receivable*, as was done in the bank charters of 1790 and 1816, and as was also done by the acts relative to evidences of debt, Treasury notes, and Virginia land scrip. The form of one of these provisions (the fourteenth section of the act incorporating the late Bank of the United States) will illustrate the idea I desire to present:

"SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable, on demand, *shall be receivable* in all payments to the United States, unless otherwise directed by act of Congress."

The difference between the language there used and that employed in the present bill is too obvious to require comment. It is true that the word "or," when it occurs in wills and agreements, is sometimes construed to mean "and," in order to give effect to the plain intent of the parties; and such a construction of the word may sometimes be given when it occurs in statutes, where the general intent of the lawmakers evidently requires it. But this construction of the word in the present case is not only unnecessary, but, in my opinion, repugnant to the whole scope of the bill, which, so

far from commanding the public officers to receive bank notes in cases not required by the existing laws, introduces several new prohibitions on the receipt of such notes.

Nor do I think this one of those cases in which a choice is given to the debtor to pay in one or other of two descriptions of currency, both of which are receivable by law. Such a choice was given by the land law of the 10th of May, 1800, section 5, between specie and the evidences of the public debt of the United States then receivable by law, and also by the joint resolution of the 30th of April, 1816, between "the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared." The option given by that resolution continued in force so long as the laws providing and declaring that Treasury notes and notes of the Bank of the United States should be receivable in payments to the United States, and ceased when those laws expired. The distinction between that description of paper currency which is by law expressly made receivable in payment of public dues, and the notes of the State banks, which were only *permitted* to be received, is plainly marked in the resolution of 1816. While the former are placed on the same footing with the legal currency, because by previous laws it had been so "*provided and declared*," the latter were left to be received or not received, at the discretion of the Secretary of the Treasury, except that he was restricted from allowing any to be received which were not payable and paid on demand in the legal currency. The bank notes spoken of in the bill before me, having never been made receivable by law, must be regarded as belonging to the latter class, and not to the former; and there can therefore be no greater obligation under the present bill, should it become a law, to receive them in payment than there was to receive the paper of the State banks under the resolution of 1816.

As to the difference between this bill and the joint resolution of 1816, the bill differs from that resolution in the following particulars:

First. It says nothing of Treasury notes and the notes of the Bank of the United States, which by the resolution of 1816 are recognized as having been made receivable by laws then in force in payment of public dues of all descriptions.

Second. It abridges the discretion left with the Secretary of the Treasury by that resolution, by positively forbidding the receipt of bank notes not having the characteristics described in the first and second sections of the bill; whereas the receipt of some of the notes so forbidden might, under the resolution of 1816, have been allowed by the Secretary.

Third. It forbids the making of any discrimination in respect to the receipt of bank notes between the different branches of the public revenue; whereas the Secretary of the Treasury, under the resolution of 1816, was subject to no such restraint, and had the power to make the discrimination forbidden by the bill, except as to the notes of the Bank of the United States and Treasury notes.

This bill, if approved, will change the resolution of 1816, so far as it now remains in force, in the second and third particulars just mentioned, but in my opinion, as already suggested, will change it in no other respect.

II. What is the extent of the supervision and control allowed by this bill to the Secretary of the Treasury over the notes to be received by the deposit banks?

And does it allow him to direct what particular notes shall or shall not be received for lands or for duties?

Answer. After maturely considering, so far as time has been allowed me, the several provisions of the bill, I think the following conclusions may fairly be drawn from them when taken in connection with the laws now in force, and above referred to, and that should it become a law they will probably express its legal effect.

First. That the Secretary of the Treasury *can not direct* the receipt of any notes except such as are issued by banks which conform to the first section of the law and such as will be passed by the proper deposit bank to the credit of the United States as *cash*.

Second. That he *may direct* the receipt of notes issued by banks which conform to the first section, provided the deposit bank in which the notes are to be deposited shall agree to credit them as cash.

Third. That if the deposit bank in which the money is to be deposited shall refuse to receive as cash the notes designated by the Secretary, and which such bank receives in the ordinary course of business on general deposit, he may withdraw the public deposits and select another depository which will agree to receive them.

Fourth. That if he can not find a depository which will so agree, then that the Secretary can not direct or authorize the receipt of any notes except such as the deposit bank primarily entitled to the deposits will agree to receive and deposit as cash.

Fifth. That although a deposit bank might be willing to receive from the collectors and receivers, and to credit as *cash*, notes of certain banks which conform to the first section, yet, for the reasons before stated, I am of opinion that the Secretary is not *obliged* to allow the receipt of such notes.

Sixth. The Secretary is forbidden to make any discrimination in the *funds receivable* "between the different branches of the public revenue," and therefore, though he may forbid the receipt of the notes of any particular bank or class of banks not excluded by the bill, and may forbid the receipt of notes of denominations larger than those named in the bill, yet when he issues any such prohibition it must apply to *all* the branches of the public revenue.

Seventh. If I am right in the foregoing propositions, the result will be that the proposed law will leave in the Secretary of the Treasury power to *prohibit* the receipt of particular notes *provided his prohibition apply to both lands and duties*, and power to *direct* what particular notes allowed by the law shall be received *provided he can find a deposit bank which will agree to receive and* [*credit*] *them as cash.*

III. Are the deposit banks the sole judges under this bill of what notes they will receive, or are they bound to receive the notes of every specie-paying bank, chartered or unchartered, wherever situated, in any part of the United States?

Answer. In my opinion the deposit banks, under the bill in question, will be the sole judges of the notes to be received by them from any collector or receiver of public money, and they will not be bound to receive the notes of any other bank whose notes they may choose to reject, provided they apply the same rule to the United States which they apply to their own depositors. In other words, the general rule as to what notes are to be received as cash, prescribed by each deposit bank for the regulation of its ordinary business, must be complied with by the collectors and receivers whose moneys are to be deposited with that bank. But it will not therefore follow that those officers will be bound to receive what the bank generally receives, because, as already stated, they may refuse of their own accord, or under the direction of the Secretary of the Treasury, any bank notes not expressly directed by act of Congress to be received in payment of the public dues.

I have thus answered the several questions proposed on the bill before me; and though I have been necessarily obliged to examine the subject with much haste, I have no other doubts as to the soundness of the construction above given than such as belong to discussions of this nature and to a proper sense of the fallibility of human judgment. It is, however, my duty to remind you that very different opinions were expressed in the course of the debates on the proposed law by some of the members who took part therein. It would seem from these debates that the bill, in some instances at least, was supported under the impression that it would compel the Treasury officers to receive all bank notes possessing all the characteristics described in the first and second sections, and that the Secretary of the Treasury would have no power to forbid their receipt. It must be confessed that the language is sufficiently ambiguous to give some plausibility to such a construction, and that it seems to derive some support from the refusal of the House of Representatives to consider an amendment reported by the Committee of Ways and Means of that

House, which would substantially have given the bill, in explicit terms, the interpretation I have put on it, and have removed the uncertainty which now pervades it. Under these circumstances it may reasonably be expected that the true meaning of the bill, should it be passed into a law, will become a subject of discussion and controversy, and probably remain involved in much perplexity and doubt until it shall have been settled by a judicial decision. How far these latter considerations are to be regarded by you in your decision on the bill is a question which belongs to another place, and on which, therefore, I forbear to enlarge in this communication.

I have the honor to be, sir, with high respect, your obedient servant,

B. F. BUTLER.

AN ACT designating and limiting the funds receivable for the revenues of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, required to adopt such measures as he may deem necessary to effect a collection of the public revenue of the United States, whether arising from duties, taxes, debts, or sales of lands, in the manner and on the principles herein provided; that is, that no such duties, taxes, debts, or sums of money, payable for lands, shall be collected or received otherwise than in the legal currency of the United States, or in notes of banks which are payable and paid on demand in the said legal currency of the United States under the following restrictions and conditions in regard to such notes, to wit: From and after the passage of this act the notes of no bank which shall issue or circulate bills or notes of a less denomination than five dollars shall be received on account of the public dues; and from and after the thirtieth day of December, eighteen hundred and thirty-nine, the notes of no bank which shall issue or circulate bills or notes of a less denomination than ten dollars shall be so receivable; and from and after the thirtieth day of December, one thousand eight hundred and forty-one, the like prohibition shall be extended to the notes of all banks issuing bills or notes of a less denomination than twenty dollars.

SEC. 2. *And be it further enacted*, That no notes shall be received by the collectors or receivers of the public money which the banks in which they are to be deposited shall not, under the supervision and control of the Secretary of the Treasury, agree to pass to the credit of the United States as cash: *Provided*, That if any deposit bank shall refuse to receive and pass to the credit of the United States as cash any notes receivable under the provisions of this act, which said bank, in the ordinary course of business, receives on general deposit, the Secretary of the Treasury is hereby authorized to withdraw the public deposits from said bank.

SEC. 3. *And be it further enacted*, That this act shall not be so construed as to prohibit receivers or collectors of the dues of the Government from receiving for the public lands any kind of land scrip or Treasury certificates now authorized by law, but the same shall hereafter be received for the public lands in the same way and manner as has heretofore been practiced; and it shall not be lawful for the Secretary of the Treasury to make any discrimination in the funds receivable between the different branches of the public revenue, except as is provided in this section.

JAMES K. POLK,
Speaker of the House of Representatives.

W. R. KING,
President of the Senate pro tempore.

I certify that this act did originate in the Senate.

ASBURY DICKINS, *Secretary.*

PROCLAMATION.

[From Senate Journal, Twenty-fourth Congress, second session, p. 355.]

DECEMBER 20, 1836.

The President of the United States to ——, *Senator for the State of* ——:

By virtue of the power vested in me by the Constitution, I hereby convene the Senate of the United States to meet in the Senate Chamber on the 4th day of March next, at 10 o'clock in the forenoon, to receive any communication the President of the United States may think it his duty to make.

ANDREW JACKSON.

EXECUTIVE ORDERS.

WAR DEPARTMENT, *February 15, 1837.*

Major-General ALEXANDER MACOMB,
President of the Court of Inquiry, etc.

SIR: I have the honor to inclose a copy of the opinion of the President of the United States on the proceedings of the court of inquiry of which you are president, relative to the campaign against the Creek Indians, and, in compliance with the direction at the close thereof, to transmit herewith those proceedings, with the documentary evidence referred to therein, for the further action of the court.

Very respectfully, your most obedient servant,

B. F. BUTLER,
Secretary of War ad interim.

P. S.—The proceedings and a portion of the documents accompany this. The balance of the documents (except Nos. 204 and 209, which will be sent to-morrow) are in a separate package, and sent by the same mail.

WASHINGTON, *February 14, 1837.*

The President has carefully examined the proceedings of the court of inquiry recently held at the city of Frederick, by virtue of Orders Nos. 65 and 68, so far as the same relate to the causes of the delay in opening and prosecuting the campaign in Georgia and Alabama against the hostile Creek Indians in the year 1836, and has maturely considered the opinion of the court on this part of the subject referred to it.

The order constituting the court directs it, among other things—

To inquire and examine into the causes of the delay in opening and prosecuting the campaign in Georgia and Alabama against the hostile Creek Indians in the year

1836, and into every subject connected with the military operations in the campaign aforesaid, and, after fully investigating the same, to report the facts, together with its opinion on the whole subject, for the information of the President.

It appears from the proceedings that after the testimony of nine witnesses had been received by the court, and after more than one hundred documents bearing on the subject had also been produced in evidence, and after Major-General Scott had addressed the court on the subject, the court proceeded to pronounce its opinion, as follows:

Upon a careful examination of the abundant testimony taken in the foregoing case the court is of opinion that no delay which it was practicable to have avoided was made by Major-General Scott in opening the campaign against the Creek Indians. On the contrary, it appears that he took the earliest measures to provide arms, munitions, and provisions for his forces, who were found almost wholly destitute; and as soon as arms could be put into the hands of the volunteers they were, in succession, detached and placed in position to prevent the enemy from retiring upon Florida, and whence they could move against the main body of the enemy as soon as equipped for offensive operations.

From the testimony of the governor of Georgia, of Major-General Sanford, commander of the Georgia volunteers, and many other witnesses of high rank and standing who were acquainted with the topography of the country and the position and strength of the enemy, the court is of opinion that the plan of campaign adopted by Major-General Scott was well calculated to lead to successful results, and that it was prosecuted by him, as far as practicable, with zeal and ability, until recalled from the command upon representations made by Major-General Jesup, his second in command, from Fort Mitchell, in a letter bearing date the 20th of June, 1836, addressed to F. P. Blair, esq., at Washington, marked "private," containing a request that it be shown to the President; which letter was exposed and brought to light by the dignified and magnanimous act of the President in causing it to be placed on file in the Department of War as an official document, and which forms part of the proceedings. (See Document No. 214.) Conduct so extraordinary and inexplicable on the part of Major-General Jesup, in reference to the character of said letter, should, in the opinion of the court, be investigated.

The foregoing opinion is not accompanied by any report of the *facts* in the case, as required by the order constituting the court; on the contrary, the facts are left to be gathered from the mass of oral and documentary evidence contained in the proceedings, and thus a most important part of the duty assigned to the court remains unexecuted. Had the court stated the facts of the case as established to its satisfaction by the evidence before it, the President, on comparing such state of facts found by the court with its opinion, would have distinctly understood the views entertained by the court in respect to the degree of promptitude and energy which ought to be displayed in a campaign against Indians—a point manifestly indispensable to a correct appreciation of the opinion, and one which the President's examination of the evidence has not supplied, inasmuch as he has no means of knowing whether the conclusions drawn by him from the evidence agree with those of the court.

The opinion of the court is also argumentative, and wanting in requisite precision, inasmuch as it states that "no delay *which it was practicable*

to have avoided was made by Major-General Scott in opening the campaign against the Creek Indians," etc.; thus leaving it to be inferred, but not distinctly finding, that there was some delay, and that it was made by some person other than Major-General Scott, without specifying in what such delay consisted, when it occurred, how long it continued, nor by whom it was occasioned. Had the court found a state of facts, as required by the order constituting it, the uncertainty now existing in this part of the opinion would have been obviated and the justice of the opinion itself readily determined.

That part of the opinion of the court which animadverts on the letter addressed by Major-General Jesup to F. P. Blair, esq., bearing date the 20th of June, 1836, and which presents the same as a subject demanding investigation, appears to the President to be wholly unauthorized by the order constituting the court, and by which its jurisdiction was confined to an inquiry into the causes of the delay in opening and prosecuting the campaign against the hostile Creeks and into such subjects as were connected with the military operations in that campaign. The causes of the recall of Major-General Scott from the command and the propriety or impropriety of the conduct of General Jesup in writing the letter referred to were not submitted to the court as subjects of inquiry. The court itself appears to have been of this opinion, inasmuch as no notice was given to General Jesup of the pendency of the proceedings, nor had he any opportunity to cross-examine and interrogate the witnesses, nor to be heard in respect to his conduct in the matter remarked on by the court.

For the several reasons above assigned, the President disapproves the opinion of the court, and remits to it the proceedings in question, to the end that the court may resume the consideration of the evidence and from the same, and from such further evidence as shall be taken (in case the court shall deem it necessary to take further evidence), may ascertain and report with distinctness and precision, especially as to time, place, distances, and other circumstances, all the facts touching the opening and prosecuting of the campaign in Georgia and Alabama against the hostile Creek Indians in the year 1836, and the military operations in the said campaign, and touching the delay, if any there was, in the opening or prosecuting of said campaign, and the causes of such delay; and to the end, also, that the court, whilst confining its opinion to the subject-matters submitted to it, may fully and distinctly express its opinion on those matters for the information of the President.

The Secretary of War *ad interim* will cause the proceedings of the court on the subject of the campaign against the Creek Indians, with the documentary evidence referred to therein and a copy of the foregoing opinion, to be transmitted to Major-General Alexander Macomb, president of the court, for the proper action thereon.

ANDREW JACKSON.

WASHINGTON, *February 18, 1837.*

The proceedings of the court of inquiry recently assembled and still sitting at Frederick by virtue of Orders Nos. 65 and 68, so far as the same relate to the causes of the failure of the campaign of Major-General Scott against the Seminole Indians in 1836, were heretofore submitted to the President, and the examination thereof suspended in consequence of the necessary connection between the case of Major-General Scott and that of Major-General Gaines, also referred to the same court, and not yet reported on. Certain other proceedings of the same court having been since examined by the President, and having been found defective, and therefore remitted to the court for reconsideration, the President has deemed it proper, in order to expedite the matter, to look into the first-mentioned proceedings for the purpose of ascertaining whether or not the like defects existed therein. On this inspection of the record he perceives that the court has not reported, except in a few instances, the facts of the case, as required by the order constituting the court, and in those instances the facts found by the court are stated in a very general form and without sufficient minuteness and precision; and he therefore remits the said proceedings to the court, to the end that the court may resume the consideration of the evidence, and from the same, and from such further evidence as may be taken (in case the court shall deem it necessary to take further evidence), may ascertain and report with distinctness and precision all the facts touching the subject to be inquired of, established to the satisfaction of the court by the evidence before it, and especially the times when and places where the several occurrences which are deemed material by the court in the formation of its opinion actually took place, with the amount of force on both sides at the different periods of time embraced in the transactions, and the positions thereof, and such other circumstances as are deemed material by the court; together with its opinion on the whole subject, for the information of the President.

The Secretary of War *ad interim* will cause the proceedings of the court in the case of Major-General Scott, first above mentioned, with the documentary evidence referred to therein and a copy hereof, to be transmitted to Major-General Alexander Macomb, president of the court, for the proper action thereon.

ANDREW JACKSON.

FAREWELL ADDRESS.

MARCH 4, 1837.

FELLOW-CITIZENS: Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune in the discharge of public duties, civil and military, frequently to have

found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I can not hope that it has at all times been free from errors; but I have the consolation of knowing that if mistakes have been committed they have not seriously injured the country I so anxiously endeavored to serve, and at the moment when I surrender my last public trust I leave this great people prosperous and happy, in the full enjoyment of liberty and peace, and honored and respected by every nation of the world.

If my humble efforts have in any degree contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns, but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you. And if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me, and will at least see in them an earnest desire to perpetuate in this favored land the blessings of liberty and equal law.

We have now lived almost fifty years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period, the spirit in which they waged war against each other, and our intimate commercial connections with every part of the civilized world rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel when it is called upon to put forth its whole strength without the lights of experience to guide it or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment, and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns there is everything to encourage us, and

if you are true to yourselves nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them are at length relieved from the evil, and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness; and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion and the mutual desire to be just, and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary, exception, our relations with every foreign power are now of the most friendly character, our commerce continually expanding, and our flag respected in every quarter of the world.

These cheering and grateful prospects and these multiplied favors we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it, and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom and for the happiness of the people. At every hazard and by every sacrifice this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union was earnestly pressed upon his fellow-citizens by the Father of his Country in his Farewell Address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands;" and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his

countrymen should be cherished in the heart of every citizen to the latest generation; and perhaps at no period of time could they be more usefully remembered than at the present moment; for when we look upon the scenes that are passing around us and dwell upon the pages of his parting address, his paternal counsels would seem to be not merely the offspring of wisdom and foresight, but the voice of prophecy, foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment—and he so speaks of it in his Address—but an experiment upon the success of which the best hopes of his country depended; and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and a fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended nation has felt its blessings and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States and to place party divisions directly upon geographical distinctions; to excite the *South* against the *North* and the *North* against the *South*, and to force into the controversy the most delicate and exciting topics—topics upon which it is impossible that a large portion of the Union can ever speak without strong emotion. Appeals, too, are constantly made to sectional interests in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten, or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feeling of State pride and local attachments finds a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren, and that however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not your-

selves with the belief that a breach once made may be afterwards repaired. If the Union is once severed, the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and determined by the sword. Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of this Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe, the memory of victories won by their united valor, the prosperity and happiness they have enjoyed under the present Constitution, the proud name they bear as citizens of this great Republic—if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off, new leaders would spring up, and this great and glorious Republic would soon be broken into a multitude of petty States, without commerce, without credit, jealous of one another, armed for mutual aggression, loaded with taxes to pay armies and leaders, seeking aid against each other from foreign powers, insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer and to surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this Government and not feel indignant when we hear cold calculations about the value of the Union and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes; they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States argument will soon make them sensible of their errors, and when convinced they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others, as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of

the nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within the reach of judicial authority, the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts or repealed by Congress no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name if it had not the power to enforce the execution of its own laws within its own sphere of action.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression on the part of the Government as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a government where the power is in the hands of a patriotic people. And no citizen who loves his country would in any case whatever resort to forcible resistance unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another in doubtful conflict, let the battle result as it may, there will be an end of the Union and with it an end to the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution can not be maintained nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the General Government. The foundations must be laid in the affections of the people, in the security it gives to life, liberty, character, and property in every quarter of the country, and in the fraternal attachment which the citizens of the several States bear to one another as members of one political family, mutually contributing to promote the happiness of each other. Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States, and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars, and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted—principles which had taken deep root in their social relations before the Revolution, and therefore of

necessity influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure, and while it does not interfere with the rights of the people of other States or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness; and all efforts on the part of people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference, and weak men may persuade themselves for a moment that they are laboring in the cause of humanity and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism, and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages. Under our free institutions the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered it naturally provokes resentments which can not always be easily allayed. Justice—full and ample justice—to every portion of the United States should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national.

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government, and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly enumerated, there can be no justification for claiming anything beyond them. Every attempt to exercise power beyond these limits should be promptly and firmly opposed, for one evil example will lead to other

measures still more mischievous; and if the principle of constructive powers or supposed advantages or temporary circumstances shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect but one consolidated government. From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States and to confine the action of the General Government strictly to the sphere of its appropriate duties.

There is, perhaps, no one of the powers conferred on the Federal Government so liable to abuse as the taxing power. The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the taxgatherer. But the tax imposed on goods enhances by so much the price of the commodity to the consumer, and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them, and in such a case it is unquestionably the duty of the Government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Plain as these principles appear to be, you will yet find there is a constant effort to induce the General Government to go beyond the limits of its taxing power and to impose unnecessary burdens upon the people. Many powerful interests are continually at work to procure heavy duties on commerce and to swell the revenue beyond the real necessities of the public service, and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society and producing a revenue that could not be usefully employed within the range of the powers conferred upon Congress, and in order to fasten upon the people this unjust and unequal system of taxation

extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support. Thus one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You can not have forgotten the severe and doubtful struggle through which we passed when the executive department of the Government by its veto endeavored to arrest this prodigal scheme of injustice and to bring back the legislation of Congress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people when the subject was brought before them sustained the course of the Executive, and this plan of unconstitutional expenditures for the purposes of corrupt influence is, I trust, finally overthrown.

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury, notwithstanding the tariff was reduced and is now very far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned. The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters; and since the people have decided that the Federal Government can not be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several States by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government and annually divided among the States; and if, encouraged by these fallacious hopes, the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will before long find themselves oppressed with debts which they are unable to pay, and the temptation will become irresistible to support a high tariff in order to obtain a surplus for distribution. Do not allow yourselves, my fellow-citizens, to be misled on this subject. The Federal Government can not collect a surplus for such purposes without violating the principles of the Constitution and assuming powers which have not been granted. It is, moreover, a system of injustice, and if persisted in will inevitably lead to corruption, and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it

when distributed among the States, where it is to be disposed of by leading State politicians, who have friends to favor and political partisans to gratify? It will certainly not be returned to those who paid it and who have most need of it and are honestly entitled to it. There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for the purposes enumerated in the Constitution, and if its income is found to exceed these wants it should be forthwith reduced and the burden of the people so far lightened.

In reviewing the conflicts which have taken place between different interests in the United States and the policy pursued since the adoption of our present form of Government, we find nothing that has produced such deep-seated evil as the course of legislation in relation to the currency. The Constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in the payment of the public dues, and the unfortunate course of legislation in the several States upon the same subject, drove from general circulation the constitutional currency and substituted one of paper in its place.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper, and we ought not on that account to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest and even enlightened men are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure and the wages of labor unsteady and uncertain. The corporations which create the paper money can not be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain or by the influence of those who hope to profit by it to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business; and when these issues have been pushed on from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given, suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here. These ebbs and flows in the currency and

these indiscreet extensions of credit naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands and various kinds of stock which within the last year or two seized upon such a multitude of our citizens and threatened to pervade all classes of society and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall best preserve public virtue and promote the true interests of our country; but if your currency continues as exclusively paper as it now is, it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger, and inevitably lead to corruption, which will find its way into your public councils and destroy at no distant day the purity of your Government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless, and all of it is easily counterfeited in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine note. These frauds are most generally perpetrated in the smaller notes, which are used in the daily transactions of ordinary business, and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the Government is emphatically the Government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth and their bravery in war has covered us with glory; and the Government of the United States will but ill discharge its duties if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests can not be effectually protected unless silver and gold are restored to circulation.

These views alone of the paper currency are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions, and that those who desire to engross all power in the hands of the few and to govern by corruption or force are aware of its power and prepared to employ it. Your banks now furnish your only circulating medium, and

money is plenty or scarce according to the quantity of notes issued by them. While they have capitals not greatly disproportioned to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although in the present state of the currency these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society, yet, from their number and dispersed situation, they can not combine for the purposes of political influence, and whatever may be the dispositions of some of them their power of mischief must necessarily be confined to a narrow space and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress it perfected the schemes of the paper system and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and it undoubtedly possessed) the power to make money plenty or scarce at its pleasure, at any time and in any quarter of the Union, by controlling the issues of other banks and permitting an expansion or compelling a general contraction of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks necessarily went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business, and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union, and to bestow prosperity or bring ruin upon any city or section of the country as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized

and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands can not yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors? No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many to the hands of the few, and this organized money power from its secret conclave would have dictated the choice of your highest officers and compelled you to make peace or war, as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States, and the evil consequences which followed may warn us of the danger of departing from the true rule of construction and of permitting temporary circumstances or the hope of better promoting the public welfare to influence in any degree our decisions upon the extent of the authority of the General Government. Let us abide by the Constitution as it is written, or amend it in the constitutional mode if it is found to be defective.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty, and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States as well as in the Federal Government. The power which the moneyed interest can exercise, when concentrated under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the General Government, the same class of intriguers and politicians will now resort to the States and endeavor to obtain there the same organization which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages and State interests and State pride they will endeavor to establish in the different States one moneyed institution with overgrown capital and exclusive privileges

sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined, and in the State in which it is chartered the money power will be able to embody its whole strength and to move together with undivided force to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society, and over those whose engagements in trade or speculation render them dependent on bank facilities the dominion of the State monopoly will be absolute and their obedience unlimited. With such a bank and a paper currency the money power would in a few years govern the State and control its measures, and if a sufficient number of States can be induced to create such establishments the time will soon come when it will again take the field against the United States and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations, and from their habits and the nature of their pursuits they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city or in a small district of country by means of personal communications with each other, but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them who hope to grow rich without labor by their countenance and favor, and who are therefore always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country—men who love liberty and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them. The mischief springs from the power which the moneyed interest derives from a paper currency

which they are able to control, from the multitude of corporations with exclusive privileges which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States and check this spirit of monopoly and thirst for exclusive privileges you will in the end find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system and its natural associations—monopoly and exclusive privileges—have already struck their roots too deep in the soil, and it will require all your efforts to check its further growth and to eradicate the evil. The men who profit by the abuses and desire to perpetuate them will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you everyone placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed; and while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject that you must not hope the conflict will be a short one nor success easy. My humble efforts have not been spared during my administration of the Government to restore the constitutional currency of gold and silver, and something, I trust, has been done toward the accomplishment of this most desirable object; but enough yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance in the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation and to avoid by every honorable means the calamities of war, and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no

nation, however desirous of peace, can hope to escape occasional collisions with other powers, and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the Navy as our natural means of defense. It will in the end be found to be the cheapest and most effectual, and now is the time, in a season of peace and with an overflowing revenue, that we can year after year add to its strength without increasing the burdens of the people. It is your true policy, for your Navy will not only protect your rich and flourishing commerce in distant seas, but will enable you to reach and annoy the enemy and will give to defense its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean and selecting its object, but they are indispensable to protect cities from bombardment, dockyards and naval arsenals from destruction, to give shelter to merchant vessels in time of war and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description can not be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess can not be applied in any manner more useful to the country, and when this is done and our naval force sufficiently strengthened and our militia armed we need not fear that any nation will wantonly insult us or needlessly provoke hostilities. We shall more certainly preserve peace when it is well understood that we are prepared for war.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States under our free and happy institutions has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition and inordinate thirst for power—that factions will

be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

ANDREW JACKSON.

Martin Van Buren

March 4, 1837, to March 4, 1841

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

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Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

HOME AT KINDERHOOK, NEW YORK, OF

MARTIN VAN BUREN

With official portrait engraved from copy of original in steel

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Martin Van Buren

MARTIN VAN BUREN was born in Kinderhook, Columbia County, N. Y., December 5, 1782. He was the eldest son of Abraham Van Buren, a small farmer, and of Mary Hoes (originally spelled Goes), whose first husband was named Van Alen. He studied the rudiments of English and Latin in the schools of his native village. At the age of 14 years commenced reading law in the office of Francis Sylvester, and pursued his legal novitiate for seven years. Combining with his professional studies a fondness for extemporaneous debate, he was early noted for his intelligent observation of public events and for his interest in politics; was chosen to participate in a nominating convention when only 18 years old. In 1802 went to New York City and studied law with William P. Van Ness, a friend of Aaron Burr; was admitted to the bar in 1803, returned to Kinderhook, and associated himself in practice with his half-brother, James I. Van Alen. He was a zealous adherent of Jefferson, and supported Morgan Lewis for governor of New York in 1803 against Aaron Burr. In February, 1807, he married Hannah Hoes, a distant kinswoman. In the winter of 1806–7 removed to Hudson, the county seat of Columbia County, and in the same year was admitted to practice in the supreme court. In 1807 supported Daniel D. Tompkins for governor against Morgan Lewis, the latter having come to be considered less true than the former to the measures of Jefferson. In 1808 became surrogate of Columbia County, displacing his half-brother and partner, who belonged to the defeated faction. In 1813, on a change of party predominance at Albany, his half-brother was restored to the office. Early in 1811 he figured in the councils of his party at a convention held in Albany, when the proposed recharter of the United States Bank was the leading question of Federal politics. Though Albert Gallatin, Secretary of the Treasury, had recommended a recharter, the predominant sentiment of the Republican party was adverse to the measure. Van Buren shared in this hostility, and publicly lauded the "Spartan firmness" of George Clinton when as Vice-President he gave his casting vote in the United States Senate against the bank bill, February 20, 1811. In 1812 was elected to the senate of New York from the middle district as a Clinton Republican, defeating Edward P. Livingston; took his seat in November of that year, and became thereby a member of the court of errors, then composed of senators in connection with the chancellor and

the supreme court. As senator he strenuously opposed the charter of "The Bank of America," which was then seeking to establish itself in New York and to take the place of the United States Bank. Though counted among the adherents of Madison's Administration, and though committed to the policy of declaring war against Great Britain, he sided with the Republican members of the New York legislature in 1812, and supported De Witt Clinton for the Presidency. In the following year, however, he dissolved his political relations with Clinton and resumed the *entente cordiale* with Madison's Administration. In 1815, while still a member of the senate, was appointed attorney-general of the State, superseding the venerable Abraham Van Vechten. In 1816 was reelected to the State senate, and, removing to Albany, formed a partnership with his life-long friend, Benjamin F. Butler. In the same year was appointed a regent of the University of New York. Supported De Witt Clinton for governor of New York in 1817, but opposed his reelection in 1820. In 1819 was removed from the office of attorney-general. February 6, 1821, was elected United States Senator. In the same year was chosen from Otsego County as a member of the convention to revise the constitution of the State. Took his seat in the United States Senate December 3, 1821, and was at once made a member of its Committees on the Judiciary and Finance. For many years was chairman of the former. Supported William H. Crawford for the Presidency in 1824. Was reelected to the Senate in 1827, but soon resigned his seat to accept the office of governor of New York, to which he was elected in 1828. Was a zealous supporter of Andrew Jackson in the Presidential election of 1828, and in 1829 became premier of the new Administration. As Secretary of State he brought to a favorable close the long-standing feud between the United States and England with regard to the West India trade. Resigned his Secretaryship in June, 1831, and was sent as minister to England. The Senate refused in 1832 to confirm his nomination by the casting vote of John C. Calhoun, the Vice-President. In 1832 was elected Vice-President of the United States, and in 1833 came to preside over the body which a year before had rejected him as a foreign minister. On May 20, 1835, was formally nominated for the Presidency, and was elected in 1836 over his three competitors, William H. Harrison, Hugh L. White, and Daniel Webster, by a majority of 57 in the electoral college, but of only 25,000 in the popular vote. On May 5, 1840, was nominated for the Presidency by the Democratic national convention at Baltimore, Md. At the election on November 10 was defeated by William Henry Harrison, who received 234 electoral votes and a popular majority of nearly 140,000. Van Buren received but 60 votes in the electoral college. Retired to his country seat, Lindenwald, in his native county. Was a candidate for the Presidential nomination at the Democratic national convention at Baltimore, Md., May 27, 1844, but was defeated by James K. Polk. Was nominated for the Presidency by a Barnburner convention at Utica, N. Y., June

22, 1848, a nomination which he had declined by letter in advance. He was also nominated for the Presidency by the Free Soil national convention of Buffalo, August 9, 1848. At the election, November 7, received only a popular vote of 291,263, and no electoral vote. Supported Franklin Pierce for the Presidency in 1852 and James Buchanan in 1856. In 1860 voted the fusion ticket of Breckinridge, Douglas, and Bell in New York against Mr. Lincoln, but when the civil war began gave to the Administration his zealous support. Died at Kinderhook July 24, 1862, and was buried there.

INAUGURAL ADDRESS.

FELLOW-CITIZENS: The practice of all my predecessors imposes on me an obligation I cheerfully fulfill—to accompany the first and solemn act of my public trust with an avowal of the principles that will guide me in performing it and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example I tread in the footsteps of illustrious men, whose superiors it is our happiness to believe are not found on the executive calendar of any country. Among them we recognize the earliest and firmest pillars of the Republic—those by whom our national independence was first declared, him who above all others contributed to establish it on the field of battle, and those whose expanded intellect and patriotism constructed, improved, and perfected the inestimable institutions under which we live. If such men in the position I now occupy felt themselves overwhelmed by a sense of gratitude for this the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one who can rely on no such claims for favor or forbearance! Unlike all who have preceded me, the Revolution that gave us existence as one people was achieved at the period of my birth; and whilst I contemplate with grateful reverence that memorable event, I feel that I belong to a later age and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow-citizens, do these circumstances press themselves upon me that I should not dare to enter upon my path of duty did I not look for the generous aid of those who will be associated with me in the various and coordinate branches of the Government; did I not repose with unwavering reliance on the patriotism, the intelligence, and the kindness of a people who never yet deserted a public servant honestly laboring in their cause; and, above all, did I not permit myself humbly to hope for the sustaining support of an ever-watchful and beneficent Providence.

To the confidence and consolation derived from these sources it would be ungrateful not to add those which spring from our present fortunate condition. Though not altogether exempt from embarrassments that disturb our tranquillity at home and threaten it abroad, yet in all the attributes of a great, happy, and flourishing people we stand without a parallel in the world. Abroad we enjoy the respect and, with scarcely an exception, the friendship of every nation; at home, while our Government quietly but efficiently performs the sole legitimate end of political institutions—in doing the greatest good to the greatest number—we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen, in his own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy! All the lessons of history and experience must be lost upon us if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate and the bounteous resources that nature has scattered with so liberal a hand—even the diffused intelligence and elevated character of our people—will avail us nothing if we fail sacredly to uphold those political institutions that were wisely and deliberately formed with reference to every circumstance that could preserve or might endanger the blessings we enjoy. The thoughtful framers of our Constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and patriots, they saw all the sources of rapid and wonderful prosperity; but they saw also that various habits, opinions, and institutions peculiar to the various portions of so vast a region were deeply fixed. Distinct sovereignties were in actual existence, whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interests, liable to be exaggerated through sinister designs; they differed in size, in population, in wealth, and in actual and prospective resources and power; they varied in the character of their industry and staple productions, and [in some] existed domestic institutions which, unwisely disturbed, might endanger the harmony of the whole. Most carefully were all these circumstances weighed, and the foundations of the new Government laid upon principles of reciprocal concession and equitable compromise. The jealousies which the smaller States might entertain of the power of the rest were allayed by a rule of representation confessedly unequal at the time, and designed forever to remain so. A natural fear that the broad scope of general legislation might bear upon and unwisely control particular interests was counteracted by limits strictly drawn around the action of the Federal authority, and to the people and the States was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just republic, excepting such only as necessarily appertain to the concerns of the whole confederacy or its intercourse as a united community with the other nations of the world.

This provident forecast has been verified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along, but on our institutions it has left no injurious mark. From a small community we have risen to a people powerful in numbers and in strength; but with our increase has gone hand in hand the progress of just principles. The privileges, civil and religious, of the humblest individual are still sacredly protected at home, and while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us in a single instance to forget what is right. Our commerce has been extended to the remotest nations; the value and even nature of our productions have been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country; yet the spirit of mutual regard and of faithful adherence to existing compacts has continued to prevail in our councils and never long been absent from our conduct. We have learned by experience a fruitful lesson—that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward through all the conflicts of circumstances and vicissitudes inseparable from the lapse of years.

The success that has thus attended our great experiment is in itself a sufficient cause for gratitude, on account of the happiness it has actually conferred and the example it has unanswerably given. But to me, my fellow-citizens, looking forward to the far-distant future with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon ourselves; that if we maintain the principles on which they were established they are destined to confer their benefits on countless generations yet to come, and that America will present to every friend of mankind the cheering proof that a popular government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were supposed to exist even by the wise and good, and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fears of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily but reluctantly made, and see how in every instance they have completely failed.

An imperfect experience during the struggles of the Revolution was supposed to warrant the belief that the people would not bear the taxation requisite to discharge an immense public debt already incurred and to pay the necessary expenses of the Government. The cost of two wars has been paid, not only without a murmur, but with unequaled alacrity. No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions or guard our honor or welfare. Indeed, all experience has shown that the willingness of the

people to contribute to these ends in cases of emergency has uniformly outrun the confidence of their representatives.

In the early stages of the new Government, when all felt the imposing influence as they recognized the unequaled services of the first President, it was a common sentiment that the great weight of his character could alone bind the discordant materials of our Government together and save us from the violence of contending factions. Since his death nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness, from a high sense of duty and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of municipal law, have also been favorably exemplified in the history of the American States. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribunals or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than in any other of equal population on the globe, and with the diffusion of intelligence it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens will assuredly in time produce this result; for as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the landmarks of social order and maintaining on all occasions the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid their friends found a fruitful source of apprehension, their enemies of hope. While they foresaw less promptness of action than in governments differently formed, they overlooked the far more important consideration that with us war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice, who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our Government, and amid recent apprehensions of a similar conflict we saw that the energies of our country would not be wanting in ample

season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever-ready military organization of other nations; we may occasionally suffer in the outset for the want of it; but among ourselves all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of States, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our Confederacy are already doubled, and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the Republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; the effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions; and the enlarged variety and amount of interests, productions, and pursuits have strengthened the chain of mutual dependence and formed a circle of mutual benefits too apparent ever to be overlooked.

In justly balancing the powers of the Federal and State authorities difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these it was scarcely believed possible that a scheme of government so complex in construction could remain uninjured. From time to time embarrassments have certainly occurred; but how just is the confidence of future safety imparted by the knowledge that each in succession has been happily removed! Overlooking partial and temporary evils as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the Federal Government has successfully performed its appropriate functions in relation to foreign affairs and concerns evidently national, that of every State has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much toward one or the other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise that in spite of every sinister foreboding it never until the

present period disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and the patriotism of their course; it is evidence not to be mistaken that an adherence to it can prevent all embarrassment from this as well as from every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included? Amidst the violence of excited passions this generous and fraternal feeling has been sometimes disregarded; and standing as I now do before my countrymen, in this high place of honor and of trust, I can not refrain from anxiously invoking my fellow-citizens never to be deaf to its dictates. Perceiving before my election the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it, and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least they will be my standard of conduct in the path before me. I then declared that if the desire of those of my countrymen who were favorable to my election was gratified "I must go into the Presidential chair the inflexible and uncompromising opponent of every attempt on the part of Congress to abolish slavery in the District of Columbia against the wishes of the slaveholding States, and also with a determination equally decided to resist the slightest interference with it in the States where it exists." I submitted also to my fellow-citizens, with fullness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved and are confided in by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the Republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed, and that in this as in every other instance the apprehensions of the timid and the hopes of the wicked for the destruction of our Government are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred, terrifying instances of local violence have been witnessed, and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people nor sections of the country have been swerved from their devotion to the bond of union and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but with each the object will be better understood. That predominating affection for our political system which prevails through-

out our territorial limits, that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist and control every effort, foreign or domestic, which aims or would lead to overthrow our institutions.

What can be more gratifying than such a retrospect as this? We look back on obstacles avoided and dangers overcome, on expectations more than realized and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding and our Constitution surmount every adverse circumstance dreaded at the outset as beyond control. Present excitement will at all times magnify present dangers, but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought (for we have just reason) to entertain an abiding confidence in the stability of our institutions and an entire conviction that if administered in the true form, character, and spirit in which they were established they are abundantly adequate to preserve to us and our children the rich blessings already derived from them, to make our beloved land for a thousand generations that chosen spot where happiness springs from a perfect equality of political rights.

For myself, therefore, I desire to declare that the principle that will govern me in the high duty to which my country calls me is a strict adherence to the letter and spirit of the Constitution as it was designed by those who framed it. Looking back to it as a sacred instrument carefully and not easily framed; remembering that it was throughout a work of concession and compromise; viewing it as limited to national objects; regarding it as leaving to the people and the States all power not explicitly parted with, I shall endeavor to preserve, protect, and defend it by anxiously referring to its provision for direction in every action. To matters of domestic concernment which it has intrusted to the Federal Government and to such as relate to our intercourse with foreign nations I shall zealously devote myself; beyond those limits I shall never pass.

To enter on this occasion into a further or more minute exposition of my views on the various questions of domestic policy would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me I submitted to them, with great precision, my opinions on all the most prominent of these subjects. Those opinions I shall endeavor to carry out with my utmost ability.

Our course of foreign policy has been so uniform and intelligible as to constitute a rule of Executive conduct which leaves little to my discretion, unless, indeed, I were willing to run counter to the lights of experience and the known opinions of my constituents. We sedulously cultivate the friendship of all nations as the condition most compatible with our welfare and the principles of our Government. We decline alliances as adverse to our peace. We desire commercial relations on equal terms, being ever

willing to give a fair equivalent for advantages received We endeavor to conduct our intercourse with openness and sincerity, promptly avowing our objects and seeking to establish that mutual frankness which is as beneficial in the dealings of nations as of men. We have no disposition and we disclaim all right to meddle in disputes, whether internal or foreign, that may molest other countries, regarding them in their actual state as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valor of our people and our exhaustless resources, we neither anticipate nor fear any designed aggression; and in the consciousness of our own just conduct we feel a security that we shall never be called upon to exert our determination never to permit an invasion of our rights without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which I trust will atone for the errors I commit.

In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I can not expect to perform the arduous task with equal ability and success. But united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him I but express with my own the wishes of all, that he may yet long live to enjoy the brilliant evening of his well-spent life; and for myself, conscious of but one desire, faithfully to serve my country, I throw myself without fear on its justice and its kindness. Beyond that I only look to the gracious protection of the Divine Being whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of His providence to bless our beloved country with honors and with length of days. May her ways be ways of pleasantness and all her paths be peace!

MARCH 4, 1837.

SPECIAL MESSAGE.

WASHINGTON, *March 6, 1837.*

To the Senate of the United States:

I nominate to the Senate Powhatan Ellis, of Mississippi, to be envoy extraordinary and minister plenipotentiary of the United States to the United Mexican States, to be sent whenever circumstances will permit a renewal of diplomatic intercourse honorably with that power.

M. VAN BUREN.

PROCLAMATIONS.

[From Statutes at Large (Little & Brown), Vol. V, p. 802.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress of the 7th of June, 1836, it was enacted that when the Indian title to all the lands lying between the State of Missouri and the Missouri River should be extinguished the jurisdiction over said land should be ceded by the said act to the State of Missouri and the western boundary of said State should be then extended to the Missouri River, reserving to the United States the original right of soil in said lands and of disposing of the same; and

Whereas it was in and by the said act provided that the same should not take effect until the President should by proclamation declare that the Indian title to said lands had been extinguished, nor until the State of Missouri should have assented to the provisions of the said act; and

Whereas an act was passed by the general assembly of the State of Missouri on the 16th of December, 1836, expressing the assent of the said State to the provisions of the said act of Congress, a copy of which act of the general assembly, duly authenticated, has been officially communicated to this Government and is now on file in the Department of State:

Now, therefore, I, Martin Van Buren, President of the United States of America, do by this my proclamation declare and make known that the Indian title to all the said lands lying between the State of Missouri and the Missouri River has been extinguished and that the said act of Congress of the 7th of June, 1836, takes effect from the date hereof.

Given under my hand, at the city of Washington, this 28th day of March, A. D. 1837, and of the Independence of the United States of America the sixty-first.

MARTIN VAN BUREN.

By the President:

JOHN FORSYTH,

Secretary of State.

[From Statutes at Large (Little, Brown & Co.), Vol. XI, p. 783.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas great and weighty matters claiming the consideration of the Congress of the United States form an extraordinary occasion for convening them, I do by these presents appoint the first Monday of September

next for their meeting at the city of Washington, hereby requiring the respective Senators and Representatives then and there to assemble in Congress in order to receive such communications as may then be made to them and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the United States.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

[SEAL.] Done at the city of Washington, the 15th day of May, A. D. 1837, and of the Independence of the United States the sixty-first.

MARTIN VAN BUREN.

By the President:
JOHN FORSYTH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the third section of the act of Congress of the United States of the 13th of July, 1832, entitled "An act concerning tonnage duty on Spanish vessels," it is provided that whenever the President shall be satisfied that the discriminating or countervailing duties of tonnage levied by any foreign nation on the ships or vessels of the United States shall have been abolished he may direct that the tonnage duty on the vessels of such nation shall cease to be levied in the ports of the United States; and

Whereas satisfactory evidence has lately been received from His Majesty the King of Greece that the discriminating duties of tonnage levied by said nation on the ships or vessels of the United States have been abolished:

Now, therefore, I, Martin Van Buren, President of the United States, do hereby declare and proclaim that the tonnage duty on the vessels of the Kingdom of Greece shall from this date cease to be levied in the ports of the United States.

Given under my hand, at the city of Washington, the 14th day of June, A. D. 1837, and of the Independence of the United States the sixty-first.

M. VAN BUREN.

By the President:
JOHN FORSYTH,
Secretary of State.

EXECUTIVE ORDER.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 7, 1837.

GENERAL ORDER No. 6.

I. The Major-General Commanding in Chief has received from the War Department the following order:

WASHINGTON, *March 6, 1837.*

General Andrew Jackson, ex-President of the United States, being about to depart from this city for his home in Tennessee, and the state of his health rendering it important that he should be accompanied by a medical attendant, the President directs that the Surgeon-General of the Army accompany the ex-President to Wheeling, in the State of Virginia, there to be relieved, in case the ex-President's health shall be such as to allow it, by some officer of the Medical Department, who will attend the ex-President from that place to his residence.

In giving this order the President feels assured that this mark of attention to the venerable soldier, patriot, and statesman now retiring in infirm health from the cares of office to the repose of private life will be as grateful to the feelings of the American people as it appears to the President to be suitable in itself.

M. VAN BUREN.

The Major-General Commanding in Chief will carry into effect the foregoing directions of the President of the United States.

B. F. BUTLER,
Secretary of War ad interim.

II. Pursuant to the above order, Surgeon-General Lawson will immediately join the ex-President, and will accompany him as his medical attendant to Wheeling, in the State of Virginia, and, at his discretion, to the residence of the ex-President, at the Hermitage, near Nashville, in the State of Tennessee.

III. Assistant Surgeon Reynolds will join the ex-President at Wheeling, Va., and from that place, either alone or in conjunction with the Surgeon-General, as the latter may direct, will proceed with the ex-President to his residence in Tennessee.

IV. The officers above named, on the conclusion of the duties above assigned to them, will repair to their respective stations.

By order of Alexander Macomb, Major-General Commanding in Chief:

R. JONES, *Adjutant-General.*

SPECIAL SESSION MESSAGE.

WASHINGTON, *September 4, 1837.*

Fellow-Citizens of the Senate and House of Representatives:

The act of the 23d of June, 1836, regulating the deposits of the public money and directing the employment of State, District, and Territorial banks for that purpose, made it the duty of the Secretary of the Treasury to discontinue the use of such of them as should at any time refuse to redeem their notes in specie, and to substitute other banks, provided a sufficient number could be obtained to receive the public deposits upon the terms and conditions therein prescribed. The general and almost simultaneous suspension of specie payments by the banks in May last rendered the performance of this duty imperative in respect to those which had been selected under the act, and made it at the same time impracticable to employ the requisite number of others upon the prescribed conditions. The specific regulations established by Congress for the deposit and safe-keeping of the public moneys having thus unexpectedly become inoperative, I felt it to be my duty to afford you an early opportunity for the exercise of your supervisory powers over the subject.

I was also led to apprehend that the suspension of specie payments, increasing the embarrassments before existing in the pecuniary affairs of the country, would so far diminish the public revenue that the accruing receipts into the Treasury would not, with the reserved five millions, be sufficient to defray the unavoidable expenses of the Government until the usual period for the meeting of Congress, whilst the authority to call upon the States for a portion of the sums deposited with them was too restricted to enable the Department to realize a sufficient amount from that source. These apprehensions have been justified by subsequent results, which render it certain that this deficiency will occur if additional means be not provided by Congress.

The difficulties experienced by the mercantile interest in meeting their engagements induced them to apply to me previously to the actual suspension of specie payments for indulgence upon their bonds for duties, and all the relief authorized by law was promptly and cheerfully granted. The dependence of the Treasury upon the avails of these bonds to enable it to make the deposits with the States required by law led me in the outset to limit this indulgence to the 1st of September, but it has since been extended to the 1st of October, that the matter might be submitted to your further direction.

Questions were also expected to arise in the recess in respect to the October installment of those deposits requiring the interposition of Congress.

A provision of another act, passed about the same time, and intended to

secure a faithful compliance with the obligation of the United States to satisfy all demands upon them in specie or its equivalent, prohibited the offer of any bank note not convertible on the spot into gold or silver at the will of the holder; and the ability of the Government, with millions on deposit, to meet its engagements in the manner thus required by law was rendered very doubtful by the event to which I have referred.

Sensible that adequate provisions for these unexpected exigencies could only be made by Congress; convinced that some of them would be indispensably necessary to the public service before the regular period of your meeting, and desirous also to enable you to exercise at the earliest moment your full constitutional powers for the relief of the country, I could not with propriety avoid subjecting you to the inconvenience of assembling at as early a day as the state of the popular representation would permit. I am sure that I have done but justice to your feelings in believing that this inconvenience will be cheerfully encountered in the hope of rendering your meeting conducive to the good of the country.

During the earlier stages of the revulsion through which we have just passed much acrimonious discussion arose and great diversity of opinion existed as to its real causes. This was not surprising. The operations of credit are so diversified and the influences which affect them so numerous, and often so subtle, that even impartial and well-informed persons are seldom found to agree in respect to them. To inherent difficulties were also added other tendencies which were by no means favorable to the discovery of truth. It was hardly to be expected that those who disapproved the policy of the Government in relation to the currency would, in the excited state of public feeling produced by the occasion, fail to attribute to that policy any extensive embarrassment in the monetary affairs of the country. The matter thus became connected with the passions and conflicts of party; opinions were more or less affected by political considerations, and differences were prolonged which might otherwise have been determined by an appeal to facts, by the exercise of reason, or by mutual concession. It is, however, a cheering reflection that circumstances of this nature can not prevent a community so intelligent as ours from ultimately arriving at correct conclusions. Encouraged by the firm belief of this truth, I proceed to state my views, so far as may be necessary to a clear understanding of the remedies I feel it my duty to propose and of the reasons by which I have been led to recommend them.

The history of trade in the United States for the last three or four years affords the most convincing evidence that our present condition is chiefly to be attributed to overaction in all the departments of business—an overaction deriving, perhaps, its first impulses from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper and by other facilities for the acquisition and enlargement of credit. At the commencement of the year 1834 the banking capital of the United States, including that of the national bank, then existing, amounted to

about $200,000,000, the bank notes then in circulation to about ninety-five millions, and the loans and discounts of the banks to three hundred and twenty-four millions. Between that time and the 1st of January, 1836, being the latest period to which accurate accounts have been received, our banking capital was increased to more than two hundred and fifty-one millions, our paper circulation to more than one hundred and forty millions, and the loans and discounts to more than four hundred and fifty-seven millions. To this vast increase are to be added the many millions of credit acquired by means of foreign loans, contracted by the States and State institutions, and, above all, by the lavish accommodations extended by foreign dealers to our merchants.

The consequences of this redundancy of credit and of the spirit of reckless speculation engendered by it were a foreign debt contracted by our citizens estimated in March last at more than $30,000,000; the extension to traders in the interior of our country of credits for supplies greatly beyond the wants of the people; the investment of $39,500,000 in unproductive public lands in the years 1835 and 1836, whilst in the preceding year the sales amounted to only four and a half millions; the creation of debts, to an almost countless amount, for real estate in existing or anticipated cities and villages, equally unproductive, and at prices now seen to have been greatly disproportionate to their real value; the expenditure of immense sums in improvements which in many cases have been found to be ruinously improvident; the diversion to other pursuits of much of the labor that should have been applied to agriculture, thereby contributing to the expenditure of large sums in the importation of grain from Europe—an expenditure which, amounting in 1834 to about $250,000, was in the first two quarters of the present year increased to more than $2,000,000; and finally, without enumerating other injurious results, the rapid growth among all classes, and especially in our great commercial towns, of luxurious habits founded too often on merely fancied wealth, and detrimental alike to the industry, the resources, and the morals of our people.

It was so impossible that such a state of things could long continue that the prospect of revulsion was present to the minds of considerate men before it actually came. None, however, had correctly anticipated its severity. A concurrence of circumstances inadequate of themselves to produce such widespread and calamitous embarrassments tended so greatly to aggravate them that they can not be overlooked in considering their history. Among these may be mentioned, as most prominent, the great loss of capital sustained by our commercial emporium in the fire of December, 1835—a loss the effects of which were underrated at the time because postponed for a season by the great facilities of credit then existing; the disturbing effects in our commercial cities of the transfers of the public moneys required by the deposit law of June, 1836, and the measures adopted by the foreign creditors of our merchants to reduce

their debts and to withdraw from the United States a large portion of our specie.

However unwilling any of our citizens may heretofore have been to assign to these causes the chief instrumentality in producing the present state of things, the developments subsequently made and the actual condition of other commercial countries must, as it seems to me, dispel all remaining doubts upon the subject. It has since appeared that evils similar to those suffered by ourselves have been experienced in Great Britain, on the Continent, and, indeed, throughout the commercial world, and that in other countries as well as in our own they have been uniformly preceded by an undue enlargement of the boundaries of trade, prompted, as with us, by unprecedented expansions of the systems of credit. A reference to the amount of banking capital and the issues of paper credits put in circulation in Great Britain, by banks and in other ways, during the years 1834, 1835, and 1836 will show an augmentation of the paper currency there as much disproportioned to the real wants of trade as in the United States. With this redundancy of the paper currency there arose in that country also a spirit of adventurous speculation embracing the whole range of human enterprise. Aid was profusely given to projected improvements; large investments were made in foreign stocks and loans; credits for goods were granted with unbounded liberality to merchants in foreign countries, and all the means of acquiring and employing credit were put in active operation and extended in their effects to every department of business and to every quarter of the globe. The reaction was proportioned in its violence to the extraordinary character of the events which preceded it. The commercial community of Great Britain were subjected to the greatest difficulties, and their debtors in this country were not only suddenly deprived of accustomed and expected credits, but called upon for payments which in the actual posture of things here could only be made through a general pressure and at the most ruinous sacrifices.

In view of these facts it would seem impossible for sincere inquirers after truth to resist the conviction that the causes of the revulsion in both countries have been substantially the same. Two nations, the most commercial in the world, enjoying but recently the highest degree of apparent prosperity and maintaining with each other the closest relations, are suddenly, in a time of profound peace and without any great national disaster, arrested in their career and plunged into a state of embarrassment and distress. In both countries we have witnessed the same redundancy of paper money and other facilities of credit; the same spirit of speculation; the same partial successes; the same difficulties and reverses, and at length nearly the same overwhelming catastrophe. The most material difference between the results in the two countries has only been that with us there has also occurred an extensive derangement in the fiscal affairs of the Federal and State Governments, occasioned by the suspension of specie payments by the banks.

The history of these causes and effects in Great Britain and the United States is substantially the history of the revulsion in all other commercial countries.

The present and visible effects of these circumstances on the operations of the Government and on the industry of the people point out the objects which call for your immediate attention.

They are, to regulate by law the safe-keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the Government; to enable the Treasury to meet promptly every demand upon it; to prescribe the terms of indulgence and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued as in withdrawing it from former depositories; and to devise and adopt such further measures, within the constitutional competency of Congress, as will be best calculated to revive the enterprise and to promote the prosperity of the country.

For the deposit, transfer, and disbursement of the revenue national and State banks have always, with temporary and limited exceptions, been heretofore employed; but although advocates of each system are still to be found, it is apparent that the events of the last few months have greatly augmented the desire, long existing among the people of the United States, to separate the fiscal operations of the Government from those of individuals or corporations.

Again to create a national bank as a fiscal agent would be to disregard the popular will, twice solemnly and unequivocally expressed. On no question of domestic policy is there stronger evidence that the sentiments of a large majority are deliberately fixed, and I can not concur with those who think they see in recent events a proof that these sentiments are, or a reason that they should be, changed.

Events similar in their origin and character have heretofore frequently occurred without producing any such change, and the lessons of experience must be forgotten if we suppose that the present overthrow of credit would have been prevented by the existence of a national bank. Proneness to excessive issues has ever been the vice of the banking system—a vice as prominent in national as in State institutions. This propensity is as subservient to the advancement of private interests in the one as in the other, and those who direct them both, being principally guided by the same views and influenced by the same motives, will be equally ready to stimulate extravagance of enterprise by improvidence of credit. How strikingly is this conclusion sustained by experience! The Bank of the United States, with the vast powers conferred on it by Congress, did not or could not prevent former and similar embarrassments, nor has the still greater strength it has been said to possess under its present charter enabled it in the existing emergency to check other institutions or even to save itself. In Great Britain, where it has been seen the same causes have been attended with the

same effects, a national bank possessing powers far greater than are asked for by the warmest advocates of such an institution here has also proved unable to prevent an undue expansion of credit and the evils that flow from it. Nor can I find any tenable ground for the reestablishment of a national bank in the derangement alleged at present to exist in the domestic exchanges of the country or in the facilities it may be capable of affording them. Although advantages of this sort were anticipated when the first Bank of the United States was created, they were regarded as an incidental accommodation, not one which the Federal Government was bound or could be called upon to furnish. This accommodation is now, indeed, after the lapse of not many years, demanded from it as among its first duties, and an omission to aid and regulate commercial exchange is treated as a ground of loud and serious complaint. Such results only serve to exemplify the constant desire among some of our citizens to enlarge the powers of the Government and extend its control to subjects with which it should not interfere. They can never justify the creation of an institution to promote such objects. On the contrary, they justly excite among the community a more diligent inquiry into the character of those operations of trade toward which it is desired to extend such peculiar favors.

The various transactions which bear the name of domestic exchanges differ essentially in their nature, operation, and utility. One class of them consists of bills of exchange drawn for the purpose of transferring actual capital from one part of the country to another, or to anticipate the proceeds of property actually transmitted. Bills of this description are highly useful in the movements of trade and well deserve all the encouragement which can rightfully be given to them. Another class is made up of bills of exchange not drawn to transfer actual capital nor on the credit of property transmitted, but to create fictitious capital, partaking at once of the character of notes discounted in bank and of bank notes in circulation, and swelling the mass of paper credits to a vast extent in the most objectionable manner. These bills have formed for the last few years a large proportion of what are termed the domestic exchanges of the country, serving as the means of usurious profit and constituting the most unsafe and precarious paper in circulation. This species of traffic, instead of being upheld, ought to be discountenanced by the Government and the people.

In transferring its funds from place to place the Government is on the same footing with the private citizen and may resort to the same legal means. It may do so through the medium of bills drawn by itself or purchased from others; and in these operations it may, in a manner undoubtedly constitutional and legitimate, facilitate and assist exchanges of individuals founded on real transactions of trade. The extent to which this may be done and the best means of effecting it are entitled to the fullest consideration. This has been bestowed by the Secretary of the Treasury, and his views will be submitted to you in his report.

But it was not designed by the Constitution that the Government should assume the management of domestic or foreign exchange. It is indeed authorized to regulate by law the commerce between the States and to provide a general standard of value or medium of exchange in gold and silver, but it is not its province to aid individuals in the transfer of their funds otherwise than through the facilities afforded by the Post-Office Department. As justly might it be called on to provide for the transportation of their merchandise. These are operations of trade. They ought to be conducted by those who are interested in them in the same manner that the incidental difficulties of other pursuits are encountered by other classes of citizens. Such aid has not been deemed necessary in other countries. Throughout Europe the domestic as well as the foreign exchanges are carried on by private houses, often, if not generally, without the assistance of banks; yet they extend throughout distinct sovereignties, and far exceed in amount the real exchanges of the United States. There is no reason why our own may not be conducted in the same manner with equal cheapness and safety. Certainly this might be accomplished if it were favored by those most deeply interested; and few can doubt that their own interest, as well as the general welfare of the country, would be promoted by leaving such a subject in the hands of those to whom it properly belongs. A system founded on private interest, enterprise, and competition, without the aid of legislative grants or regulations by law, would rapidly prosper; it would be free from the influence of political agitation and extend the same exemption to trade itself, and it would put an end to those complaints of neglect, partiality, injustice, and oppression which are the unavoidable results of interference by the Government in the proper concerns of individuals. All former attempts on the part of the Government to carry its legislation in this respect further than was designed by the Constitution have in the end proved injurious, and have served only to convince the great body of the people more and more of the certain dangers of blending private interests with the operations of public business; and there is no reason to suppose that a repetition of them now would be more successful.

It can not be concealed that there exists in our community opinions and feelings on this subject in direct opposition to each other. A large portion of them, combining great intelligence, activity, and influence, are no doubt sincere in their belief that the operations of trade ought to be assisted by such a connection; they regard a national bank as necessary for this purpose, and they are disinclined to every measure that does not tend sooner or later to the establishment of such an institution. On the other hand, a majority of the people are believed to be irreconcilably opposed to that measure; they consider such a concentration of power dangerous to their liberties, and many of them regard it as a violation of the Constitution. This collision of opinion has doubtless caused much

of the embarrassment to which the commercial transactions of the country have lately been exposed. Banking has become a political topic of the highest interest, and trade has suffered in the conflict of parties. A speedy termination of this state of things, however desirable, is scarcely to be expected. We have seen for nearly half a century that those who advocate a national bank, by whatever motive they may be influenced, constitute a portion of our community too numerous to allow us to hope for an early abandonment of their favorite plan. On the other hand, they must indeed form an erroneous estimate of the intelligence and temper of the American people who suppose that they have continued on slight or insufficient grounds their persevering opposition to such an institution, or that they can be induced by pecuniary pressure or by any other combination of circumstances to surrender principles they have so long and so inflexibly maintained

My own views of the subject are unchanged. They have been repeatedly and unreservedly announced to my fellow-citizens, who with full knowledge of them conferred upon me the two highest offices of the Government. On the last of these occasions I felt it due to the people to apprise them distinctly that in the event of my election I would not be able to cooperate in the reestablishment of a national bank. To these sentiments I have now only to add the expression of an increased conviction that the reestablishment of such a bank in any form, whilst it would not accomplish the beneficial purpose promised by its advocates, would impair the rightful supremacy of the popular will, injure the character and diminish the influence of our political system, and bring once more into existence a concentrated moneyed power, hostile to the spirit and threatening the permanency of our republican institutions.

Local banks have been employed for the deposit and distribution of the revenue at all times partially and on three different occasions exclusively: First, anterior to the establishment of the first Bank of the United States; secondly, in the interval between the termination of that institution and the charter of its successor; and thirdly, during the limited period which has now so abruptly closed. The connection thus repeatedly attempted proved unsatisfactory on each successive occasion, notwithstanding the various measures which were adopted to facilitate or insure its success. On the last occasion, in the year 1833, the employment of the State banks was guarded especially, in every way which experience and caution could suggest. Personal security was required for the safe-keeping and prompt payment of the moneys to be received, and full returns of their condition were from time to time to be made by the depositories. In the first stages the measure was eminently successful, notwithstanding the violent opposition of the Bank of the United States and the unceasing efforts made to overthrow it. The selected banks performed with fidelity and without any embarrassment to themselves or to the community their engagements to the Government, and the system promised to be permanently

useful; but when it became necessary, under the act of June, 1836, to withdraw from them the public money for the purpose of placing it in additional institutions or of transferring it to the States, they found it in many cases inconvenient to comply with the demands of the Treasury, and numerous and pressing applications were made for indulgence or relief. As the installments under the deposit law became payable their own embarrassments and the necessity under which they lay of curtailing their discounts and calling in their debts increased the general distress and contributed, with other causes, to hasten the revulsion in which at length they, in common with the other banks, were fatally involved.

Under these circumstances it becomes our solemn duty to inquire whether there are not in any connection between the Government and banks of issue evils of great magnitude, inherent in its very nature and against which no precautions can effectually guard.

Unforeseen in the organization of the Government and forced on the Treasury by early necessities, the practice of employing banks was in truth from the beginning more a measure of emergency than of sound policy. When we started into existence as a nation, in addition to the burdens of the new Government we assumed all the large but honorable load of debt which was the price of our liberty; but we hesitated to weigh down the infant industry of the country by resorting to adequate taxation for the necessary revenue. The facilities of banks, in return for the privileges they acquired, were promptly offered, and perhaps too readily received by an embarrassed Treasury. During the long continuance of a national debt and the intervening difficulties of a foreign war the connection was continued from motives of convenience; but these causes have long since passed away. We have no emergencies that make banks necessary to aid the wants of the Treasury; we have no load of national debt to provide for, and we have on actual deposit a large surplus. No public interest, therefore, now requires the renewal of a connection that circumstances have dissolved. The complete organization of our Government, the abundance of our resources, the general harmony which prevails between the different States and with foreign powers, all enable us now to select the system most consistent with the Constitution and most conducive to the public welfare. Should we, then, connect the Treasury for a fourth time with the local banks, it can only be under a conviction that past failures have arisen from accidental, not inherent, defects.

A danger difficult, if not impossible, to be avoided in such an arrangement is made strikingly evident in the very event by which it has now been defeated. A sudden act of the banks intrusted with the funds of the people deprives the Treasury, without fault or agency of the Government, of the ability to pay its creditors in the currency they have by law a right to demand. This circumstance no fluctuation of commerce could have produced if the public revenue had been collected in the legal

currency and kept in that form by the officers of the Treasury. The citizen whose money was in bank receives it back since the suspension at a sacrifice in its amount, whilst he who kept it in the legal currency of the country and in his own possession pursues without loss the current of his business. The Government, placed in the situation of the former, is involved in embarrassments it could not have suffered had it pursued the course of the latter. These embarrassments are, moreover, augmented by those salutary and just laws which forbid it to use a depreciated currency, and by so doing take from the Government the ability which individuals have of accommodating their transactions to such a catastrophe.

A system which can in a time of profound peace, when there is a large revenue laid by, thus suddenly prevent the application and the use of the money of the people in the manner and for the objects they have directed can not be wise; but who can think without painful reflection that under it the same unforeseen events might have befallen us in the midst of a war and taken from us at the moment when most wanted the use of those very means which were treasured up to promote the national welfare and guard our national rights? To such embarrassments and to such dangers will this Government be always exposed whilst it takes the moneys raised for and necessary to the public service out of the hands of its own officers and converts them into a mere right of action against corporations intrusted with the possession of them. Nor can such results be effectually guarded against in such a system without investing the Executive with a control over the banks themselves, whether State or national, that might with reason be objected to. Ours is probably the only Government in the world that is liable in the management of its fiscal concerns to occurrences like these.

But this imminent risk is not the only danger attendant on the surrender of the public money to the custody and control of local corporations. Though the object is aid to the Treasury, its effect may be to introduce into the operations of the Government influences the most subtle, founded on interests the most selfish.

The use by the banks, for their own benefit, of the money deposited with them has received the sanction of the Government from the commencement of this connection. The money received from the people, instead of being kept till it is needed for their use, is, in consequence of this authority, a fund on which discounts are made for the profit of those who happen to be owners of stock in the banks selected as depositories. The supposed and often exaggerated advantages of such a boon will always cause it to be sought for with avidity. I will not stop to consider on whom the patronage incident to it is to be conferred. Whether the selection and control be trusted to Congress or to the Executive, either will be subjected to appeals made in every form which the sagacity of interest can suggest. The banks under such a system are stimulated to make the most of their fortunate acquisition; the deposits are treated as

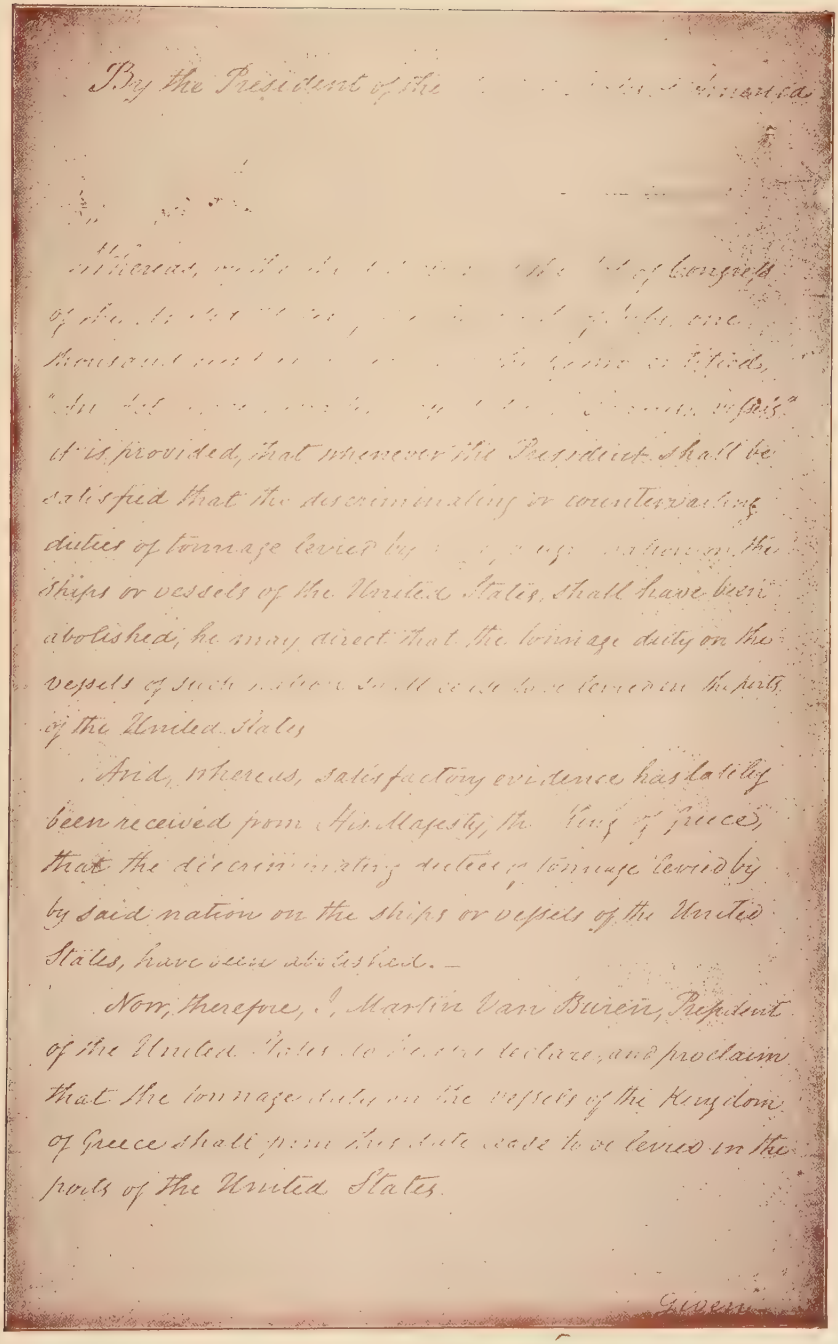
an increase of capital; loans and circulation are rashly augmented, and when the public exigencies require a return it is attended with embarrassments not provided for nor foreseen. Thus banks that thought themselves most fortunate when the public funds were received find themselves most embarrassed when the season of payment suddenly arrives.

Unfortunately, too, the evils of the system are not limited to the banks. It stimulates a general rashness of enterprise and aggravates the fluctuations of commerce and the currency. This result was strikingly exhibited during the operations of the late deposit system, and especially in the purchases of public lands. The order which ultimately directed the payment of gold and silver in such purchases greatly checked, but could not altogether prevent, the evil. Specie was indeed more difficult to be procured than the notes which the banks could themselves create at pleasure; but still, being obtained from them as a loan and returned as a deposit, which they were again at liberty to use, it only passed round the circle with diminished speed. This operation could not have been performed had the funds of the Government gone into the Treasury to be regularly disbursed, and not into banks to be loaned out for their own profit while they were permitted to substitute for it a credit in account.

In expressing these sentiments I desire not to undervalue the benefits of a salutary credit to any branch of enterprise. The credit bestowed on probity and industry is the just reward of merit and an honorable incentive to further acquisition. None oppose it who love their country and understand its welfare. But when it is unduly encouraged; when it is made to inflame the public mind with the temptations of sudden and unsubstantial wealth; when it turns industry into paths that lead sooner or later to disappointment and distress, it becomes liable to censure and needs correction. Far from helping probity and industry, the ruin to which it leads falls most severely on the great laboring classes, who are thrown suddenly out of employment, and by the failure of magnificent schemes never intended to enrich them are deprived in a moment of their only resource. Abuses of credit and excesses in speculation will happen in despite of the most salutary laws; no government, perhaps, can altogether prevent them, but surely every government can refrain from contributing the stimulus that calls them into life.

Since, therefore, experience has shown that to lend the public money to the local banks is hazardous to the operations of the Government, at least of doubtful benefit to the institutions themselves, and productive of disastrous derangement in the business and currency of the country, is it the part of wisdom again to renew the connection?

It is true that such an agency is in many respects convenient to the Treasury, but it is not indispensable. A limitation of the expenses of the Government to its actual wants, and of the revenue to those expenses, with convenient means for its prompt application to the purposes for



By the President of the [illegible]

[illegible]

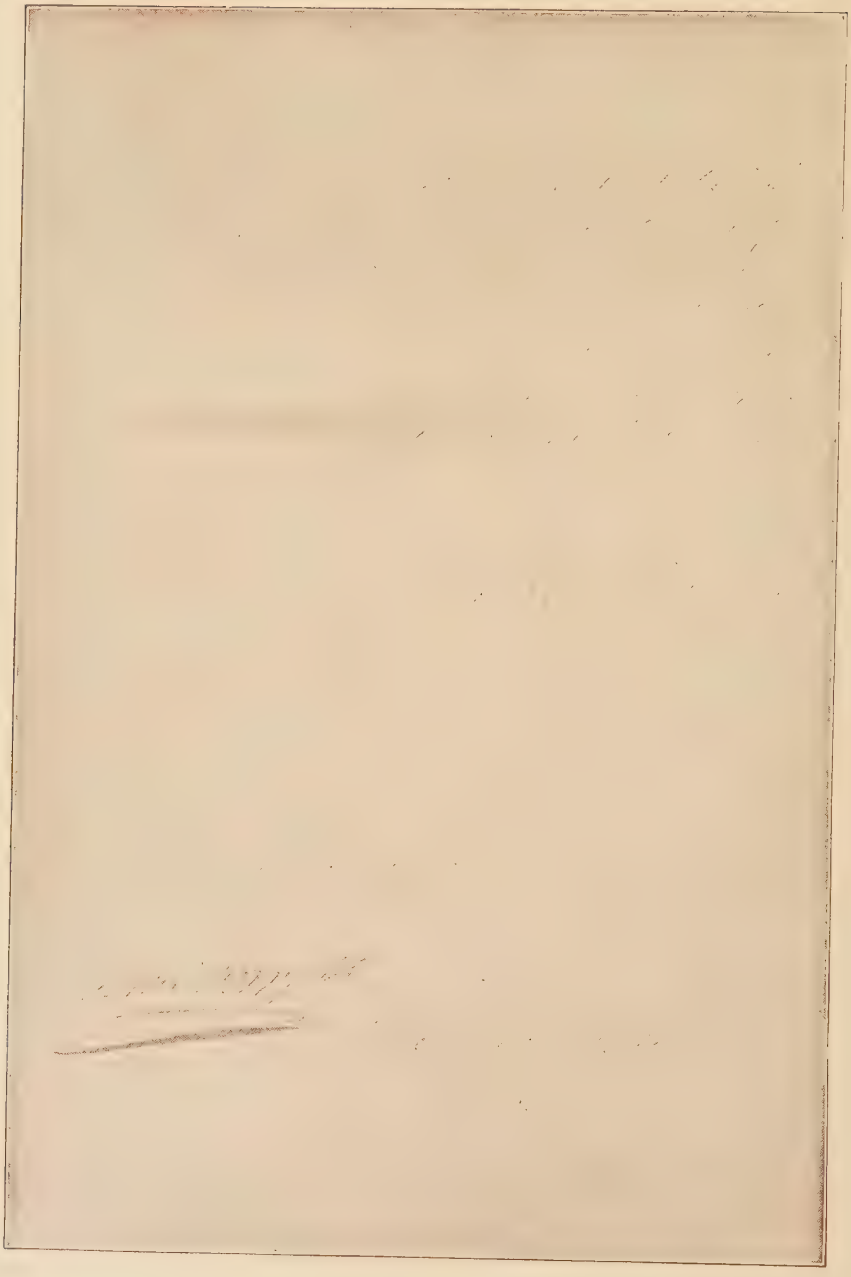
Whereas, [illegible] Congress [illegible] entitled "An act [illegible]" it is provided, that whenever the President shall be satisfied that the discriminating or countervailing duties of tonnage levied by [illegible] upon the ships or vessels of the United States, shall have been abolished, he may direct that the tonnage duty on the vessels of such nation shall cease and be forborne in the ports of the United States.

And, Whereas, satisfactory evidence has lately been received from His Majesty, the King of Greece, that the discriminating duties of tonnage levied by by said nation on the ships or vessels of the United States, have been abolished.—

Now, therefore, I, Martin Van Buren, President of the United States do hereby declare, and proclaim that the tonnage duties on the vessels of the Kingdom of Greece shall from this date cease to be levied in the ports of the United States.

Given

PRESIDENT VAN BUREN'S PROCLAMATION REVOKING TONNAGE DUTIES ON VESSELS OF GREECE.



which it was raised, are the objects which we should seek to accomplish. The collection, safe-keeping, transfer, and disbursement of the public money can, it is believed, be well managed by officers of the Government. Its collection, and to a great extent its disbursement also, have indeed been hitherto conducted solely by them, neither national nor State banks, when employed, being required to do more than keep it safely while in their custody, and transfer and pay it in such portions and at such times as the Treasury shall direct.

Surely banks are not more able than the Government to secure the money in their possession against accident, violence, or fraud. The assertion that they are so must assume that a vault in a bank is stronger than a vault in the Treasury, and that directors, cashiers, and clerks not selected by the Government nor under its control are more worthy of confidence than officers selected from the people and responsible to the Government—officers bound by official oaths and bonds for a faithful performance of their duties, and constantly subject to the supervision of Congress.

The difficulties of transfer and the aid heretofore rendered by banks have been less than is usually supposed. The actual accounts show that by far the larger portion of payments is made within short or convenient distances from the places of collection; and the whole number of warrants issued at the Treasury in the year 1834—a year the result of which will, it is believed, afford a safe test for the future—fell short of 5,000, or an average of less than 1 daily for each State; in the city of New York they did not average more than 2 a day, and at the city of Washington only 4.

The difficulties heretofore existing are, moreover, daily lessened by an increase in the cheapness and facility of communication, and it may be asserted with confidence that the necessary transfers, as well as the safe-keeping and disbursements of the public moneys, can be with safety and convenience accomplished through the agencies of Treasury officers. This opinion has been in some degree confirmed by actual experience since the discontinuance of the banks as fiscal agents in May last—a period which from the embarrassments in commercial intercourse presented obstacles as great as any that may be hereafter apprehended.

The manner of keeping the public money since that period is fully stated in the report of the Secretary of the Treasury. That officer also suggests the propriety of assigning by law certain additional duties to existing establishments and officers, which, with the modifications and safeguards referred to by him, will, he thinks, enable the Department to continue to perform this branch of the public service without any material addition either to their number or to the present expense. The extent of the business to be transacted has already been stated; and in respect to the amount of money with which the officers employed would be intrusted at any one time, it appears that, assuming a balance of five

millions to be at all times kept in the Treasury, and the whole of it left in the hands of the collectors and receivers, the proportion of each would not exceed an average of $30,000; but that, deducting one million for the use of the Mint and assuming the remaining four millions to be in the hands of one-half of the present number of officers—a supposition deemed more likely to correspond with the fact—the sum in the hands of each would still be less than the amount of most of the bonds now taken from the receivers of public money. Every apprehension, however, on the subject, either in respect to the safety of the money or the faithful discharge of these fiscal transactions, may, it appears to me, be effectually removed by adding to the present means of the Treasury the establishment by law at a few important points of offices for the deposit and disbursement of such portions of the public revenue as can not with obvious safety and convenience be left in the possession of the collecting officers until paid over by them to the public creditors. Neither the amounts retained in their hands nor those deposited in the offices would in an ordinary condition of the revenue be larger in most cases than those often under the control of disbursing officers of the Army and Navy, and might be made entirely safe by requiring such securities and exercising such controlling supervision as Congress may by law prescribe. The principal officers whose appointments would become necessary under this plan, taking the largest number suggested by the Secretary of the Treasury, would not exceed ten, nor the additional expenses, at the same estimate, $60,000 a year.

There can be no doubt of the obligation of those who are intrusted with the affairs of Government to conduct them with as little cost to the nation as is consistent with the public interest; and it is for Congress, and ultimately for the people, to decide whether the benefits to be derived from keeping our fiscal concerns apart and severing the connection which has hitherto existed between the Government and banks offer sufficient advantages to justify the necessary expenses. If the object to be accomplished is deemed important to the future welfare of the country, I can not allow myself to believe that the addition to the public expenditure of comparatively so small an amount as will be necessary to effect it will be objected to by the people.

It will be seen by the report of the Postmaster-General herewith communicated that the fiscal affairs of that Department have been successfully conducted since May last upon the principle of dealing only in the legal currency of the United States, and that it needs no legislation to maintain its credit and facilitate the management of its concerns, the existing laws being, in the opinion of that officer, ample for those objects.

Difficulties will doubtless be encountered for a season and increased services required from the public functionaries; such are usually incident to the commencement of every system, but they will be greatly lessened in the progress of its operations.

The power and influence supposed to be connected with the custody and disbursement of the public money are topics on which the public mind is naturally, and with great propriety, peculiarly sensitive. Much has been said on them in reference to the proposed separation of the Government from the banking institutions; and surely no one can object to any appeals or animadversions on the subject which are consistent with facts and evince a proper respect for the intelligence of the people. If a Chief Magistrate may be allowed to speak for himself on such a point, I can truly say that to me nothing would be more acceptable than the withdrawal from the Executive, to the greatest practicable extent, of all concern in the custody and disbursement of the public revenue; not that I would shrink from any responsibility cast upon me by the duties of my office, but because it is my firm belief that its capacity for usefulness is in no degree promoted by the possession of any patronage not actually necessary to the performance of those duties. But under our present form of government the intervention of the executive officers in the custody and disbursement of the public money seems to be unavoidable; and before it can be admitted that the influence and power of the Executive would be increased by dispensing with the agency of banks the nature of that intervention in such an agency must be carefully regarded, and a comparison must be instituted between its extent in the two cases.

The revenue can only be collected by officers appointed by the President with the advice and consent of the Senate. The public moneys in the first instance must therefore in all cases pass through hands selected by the Executive. Other officers appointed in the same way, or, as in some cases, by the President alone, must also be intrusted with them when drawn for the purpose of disbursement. It is thus seen that even when banks are employed the public funds must twice pass through the hands of executive officers. Besides this, the head of the Treasury Department, who also holds office at the pleasure of the President, and some other officers of the same Department, must necessarily be invested with more or less power in the selection, continuance, and supervision of the banks that may be employed. The question is then narrowed to the single point whether in the intermediate stage between the collection and disbursement of the public money the agency of banks is necessary to avoid a dangerous extension of the patronage and influence of the Executive. But is it clear that the connection of the Executive with powerful moneyed institutions, capable of ministering to the interests of men in points where they are most accessible to corruption, is less liable to abuse than his constitutional agency in the appointment and control of the few public officers required by the proposed plan? Will the public money when in their hands be necessarily exposed to any improper interference on the part of the Executive? May it not be hoped that a prudent fear of public jealousy and disapprobation in a matter so peculiarly exposed to

them will deter him from any such interference, even if higher motives be found inoperative? May not Congress so regulate by law the duty of those officers and subject it to such supervision and publicity as to prevent the possibility of any serious abuse on the part of the Executive? And is there equal room for such supervision and publicity in a connection with banks, acting under the shield of corporate immunities and conducted by persons irresponsible to the Government and the people? It is believed that a considerate and candid investigation of these questions will result in the conviction that the proposed plan is far less liable to objection on the score of Executive patronage and control than any bank agency that has been or can be devised.

With these views I leave to Congress the measures necessary to regulate in the present emergency the safe-keeping and transfer of the public moneys. In the performance of constitutional duty I have stated to them without reserve the result of my own reflections. The subject is of great importance, and one on which we can scarcely expect to be as united in sentiment as we are in interest. It deserves a full and free discussion, and can not fail to be benefited by a dispassionate comparison of opinions. Well aware myself of the duty of reciprocal concession among the coordinate branches of the Government, I can promise a reasonable spirit of cooperation, so far as it can be indulged in without the surrender of constitutional objections which I believe to be well founded. Any system that may be adopted should be subjected to the fullest legal provision, so as to leave nothing to the Executive but what is necessary to the discharge of the duties imposed on him; and whatever plan may be ultimately established, my own part shall be so discharged as to give to it a fair trial and the best prospect of success.

The character of the funds to be received and disbursed in the transactions of the Government likewise demands your most careful consideration.

There can be no doubt that those who framed and adopted the Constitution, having in immediate view the depreciated paper of the Confederacy—of which $500 in paper were at times only equal to $1 in coin—intended to prevent the recurrence of similar evils, so far at least as related to the transactions of the new Government. They gave to Congress express powers to coin money and to regulate the value thereof and of foreign coin; they refused to give it power to establish corporations—the agents then as now chiefly employed to create a paper currency; they prohibited the States from making anything but gold and silver a legal tender in payment of debts; and the First Congress directed by positive law that the revenue should be received in nothing but gold and silver.

Public exigency at the outset of the Government, without direct legislative authority, led to the use of banks as fiscal aids to the Treasury. In admitted deviation from the law, at the same period and under the

same exigency, the Secretary of the Treasury received their notes in payment of duties. The sole ground on which the practice thus commenced was then or has since been justified is the certain, immediate, and convenient exchange of such notes for specie. The Government did, indeed, receive the inconvertible notes of State banks during the difficulties of war, and the community submitted without a murmur to the unequal taxation and multiplied evils of which such a course was productive. With the war this indulgence ceased, and the banks were obliged again to redeem their notes in gold and silver. The Treasury, in accordance with previous practice, continued to dispense with the currency required by the act of 1789, and took the notes of banks in full confidence of their being paid in specie on demand; and Congress, to guard against the slightest violation of this principle, have declared by law that if notes are paid in the transactions of the Government it must be under such circumstances as to enable the holder to convert them into specie without depreciation or delay.

Of my own duties under the existing laws, when the banks suspended specie payments, I could not doubt. Directions were immediately given to prevent the reception into the Treasury of anything but gold and silver, or its equivalent, and every practicable arrangement was made to preserve the public faith by similar or equivalent payments to the public creditors. The revenue from lands had been for some time substantially so collected under the order issued by directions of my predecessor. The effects of that order had been so salutary and its forecast in regard to the increasing insecurity of bank paper had become so apparent that even before the catastrophe I had resolved not to interfere with its operation. Congress is now to decide whether the revenue shall continue to be so collected or not.

The receipt into the Treasury of bank notes not redeemed in specie on demand will not, I presume, be sanctioned. It would destroy without the excuse of war or public distress that equality of imposts and identity of commercial regulation which lie at the foundation of our Confederacy, and would offer to each State a direct temptation to increase its foreign trade by depreciating the currency received for duties in its ports. Such a proceeding would also in a great degree frustrate the policy so highly cherished of infusing into our circulation a larger proportion of the precious metals—a policy the wisdom of which none can doubt, though there may be different opinions as to the extent to which it should be carried. Its results have been already too auspicious and its success is too closely interwoven with the future prosperity of the country to permit us for a moment to contemplate its abandonment. We have seen under its influence our specie augmented beyond eighty millions, our coinage increased so as to make that of gold amount, between August, 1834, and December, 1836, to $10.000,000, exceeding the whole coinage at the Mint during the thirty-one previous years.

The prospect of further improvement continued without abatement until the moment of the suspension of specie payments. This policy has now, indeed, been suddenly checked, but is still far from being overthrown. Amidst all conflicting theories, one position is undeniable—the precious metals will invariably disappear when there ceases to be a necessity for their use as a circulating medium. It was in strict accordance with this truth that whilst in the month of May last they were everywhere seen and were current for all ordinary purposes they disappeared from circulation the moment the payment of specie was refused by the banks and the community tacitly agreed to dispense with its employment. Their place was supplied by a currency exclusively of paper, and in many cases of the worst description. Already are the bank notes now in circulation greatly depreciated, and they fluctuate in value between one place and another, thus diminishing and making uncertain the worth of property and the price of labor, and failing to subserve, except at a heavy loss, the purposes of business. With each succeeding day the metallic currency decreases; by some it is hoarded in the natural fear that once parted with it can not be replaced, while by others it is diverted from its more legitimate uses for the sake of gain. Should Congress sanction this condition of things by making irredeemable paper money receivable in payment of public dues, a temporary check to a wise and salutary policy will in all probability be converted into its absolute destruction.

It is true that bank notes actually convertible into specie may be received in payment of the revenue without being liable to all these objections, and that such a course may to some extent promote individual convenience—an object always to be considered where it does not conflict with the principles of our Government or the general welfare of the country. If such notes only were received, and always under circumstances allowing their early presentation for payment, and if at short and fixed periods they were converted into specie to be kept by the officers of the Treasury, some of the most serious obstacles to their reception would perhaps be removed. To retain the notes in the Treasury would be to renew under another form the loans of public money to the banks, and the evils consequent thereon.

It is, however, a mistaken impression that any large amount of specie is required for public payments. Of the seventy or eighty millions now estimated to be in the country, ten millions would be abundantly sufficient for that purpose provided an accumulation of a large amount of revenue beyond the necessary wants of the Government be hereafter prevented. If to these considerations be added the facilities which will arise from enabling the Treasury to satisfy the public creditors by its drafts or notes receivable in payment of the public dues, it may be safely assumed that no motive of convenience to the citizen requires the reception of bank paper.

To say that the refusal of paper money by the Government introduces an unjust discrimination between the currency received by it and that used by individuals in their ordinary affairs is, in my judgment, to view it in a very erroneous light. The Constitution prohibits the States from making anything but gold and silver a tender in the payment of debts, and thus secures to every citizen a right to demand payment in the legal currency. To provide by law that the Government will only receive its dues in gold and silver is not to confer on it any peculiar privilege, but merely to place it on an equality with the citizen by reserving to it a right secured to him by the Constitution. It is doubtless for this reason that the principle has been sanctioned by successive laws from the time of the first Congress under the Constitution down to the last. Such precedents, never objected to and proceeding from such sources, afford a decisive answer to the imputation of inequality or injustice.

But in fact the measure is one of restriction, not of favor. To forbid the public agent to receive in payment any other than a certain kind of money is to refuse him a discretion possessed by every citizen. It may be left to those who have the management of their own transactions to make their own terms, but no such discretion should be given to him who acts merely as an agent of the people—who is to collect what the law requires and to pay the appropriations it makes. When bank notes are redeemed on demand, there is then no discrimination in reality, for the individual who receives them may at his option substitute the specie for them; he takes them from convenience or choice. When they are not so redeemed, it will scarcely be contended that their receipt and payment by a public officer should be permitted, though none deny that right to an individual; if it were, the effect would be most injurious to the public, since their officer could make none of those arrangements to meet or guard against the depreciation which an individual is at liberty to do. Nor can inconvenience to the community be alleged as an objection to such a regulation. Its object and motive are their convenience and welfare.

If at a moment of simultaneous and unexpected suspension by the banks it adds something to the many embarrassments of that proceeding, yet these are far overbalanced by its direct tendency to produce a wider circulation of gold and silver, to increase the safety of bank paper, to improve the general currency, and thus to prevent altogether such occurrences and the other and far greater evils that attend them.

It may indeed be questioned whether it is not for the interest of the banks themselves that the Government should not receive their paper. They would be conducted with more caution and on sounder principles. By using specie only in its transactions the Government would create a demand for it, which would to a great extent prevent its exportation, and by keeping it in circulation maintain a broader and safer basis for the paper currency. That the banks would thus be rendered more sound and the community more safe can not admit of a doubt.

The foregoing views, it seems to me, do but fairly carry out the provisions of the Federal Constitution in relation to the currency, as far as relates to the public revenue. At the time that instrument was framed there were but three or four banks in the United States, and had the extension of the banking system and the evils growing out of it been foreseen they would probably have been specially guarded against. The same policy which led to the prohibition of bills of credit by the States would doubtless in that event have also interdicted their issue as a currency in any other form. The Constitution, however, contains no such prohibition; and since the States have exercised for nearly half a century the power to regulate the business of banking, it is not to be expected that it will be abandoned. The whole matter is now under discussion before the proper tribunal—the people of the States. Never before has the public mind been so thoroughly awakened to a proper sense of its importance; never has the subject in all its bearings been submitted to so searching an inquiry. It would be distrusting the intelligence and virtue of the people to doubt the speedy and efficient adoption of such measures of reform as the public good demands. All that can rightfully be done by the Federal Government to promote the accomplishment of that important object will without doubt be performed.

In the meantime it is our duty to provide all the remedies against a depreciated paper currency which the Constitution enables us to afford. The Treasury Department on several former occasions has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations and other bankers. Through the instrumentality of such a law a salutary check may doubtless be imposed on the issues of paper money and an effectual remedy given to the citizen in a way at once equal in all parts of the Union and fully authorized by the Constitution.

The indulgence granted by Executive authority in the payment of bonds for duties has been already mentioned. Seeing that the immediate enforcement of these obligations would subject a large and highly respectable portion of our citizens to great sacrifices, and believing that a temporary postponement could be made without detriment to other interests and with increased certainty of ultimate payment, I did not hesitate to comply with the request that was made of me. The terms allowed are to the full extent as liberal as any that are to be found in the practice of the executive department. It remains for Congress to decide whether a further postponement may not with propriety be allowed; and if so, their legislation upon the subject is respectfully invited.

The report of the Secretary of the Treasury will exhibit the condition of these debts, the extent and effect of the present indulgence, the probable result of its further extension on the state of the Treasury, and every other fact necessary to a full consideration of the subject. Similar information is communicated in regard to such depositories of the public moneys as are indebted to the Government, in order that Congress may also adopt the proper measures in regard to them.

The receipts and expenditures for the first half of the year and an estimate of those for the residue will be laid before you by the Secretary of the Treasury. In his report of December last it was estimated that the current receipts would fall short of the expenditures by about $3,000,000. It will be seen that the difference will be much greater. This is to be attributed not only to the occurrence of greater pecuniary embarrassments in the business of the country than those which were then predicted, and consequently a greater diminution in the revenue, but also to the fact that the appropriations exceeded by nearly six millions the amount which was asked for in the estimates then submitted. The sum necessary for the service of the year, beyond the probable receipts and the amount which it was intended should be reserved in the Treasury at the commencement of the year, will be about six millions. If the whole of the reserved balance be not at once applied to the current expenditures, but four millions be still kept in the Treasury, as seems most expedient for the uses of the Mint and to meet contingencies, the sum needed will be ten millions.

In making this estimate the receipts are calculated on the supposition of some further extension of the indulgence granted in the payment of bonds for duties, which will affect the amount of the revenue for the present year to the extent of two and a half millions.

It is not proposed to procure the required amount by loans or increased taxation. There are now in the Treasury $9,367,214, directed by the act of the 23d of June, 1836, to be deposited with the States in October next. This sum, if so deposited, will be subject under the law to be recalled if needed to defray existing appropriations; and as it is now evident that the whole, or the principal part, of it will be wanted for that purpose, it appears most proper that the deposit should be withheld. Until the amount can be collected from the banks, Treasury notes may be temporarily issued, to be gradually redeemed as it is received.

I am aware that this course may be productive of inconvenience to many of the States. Relying upon the acts of Congress which held out to them the strong probability, if not the certainty, of receiving this installment, they have in some instances adopted measures with which its retention may seriously interfere. That such a condition of things should have occurred is much to be regretted. It is not the least among the unfortunate results of the disasters of the times; and it is for Congress to devise a fit remedy, if there be one. The money being indispensable to the wants of the Treasury, it is difficult to conceive upon what principle of justice or expediency its application to that object can be avoided. To recall any portion of the sums already deposited with the States would be more inconvenient and less efficient. To burden the country with increased taxation when there is in fact a large surplus revenue would be unjust and unwise; to raise moneys by loans under such circumstances, and thus to commence a new national debt, would scarcely be sanctioned by the American people.

The plan proposed will be adequate to all our fiscal operations during the remainder of the year. Should it be adopted, the Treasury, aided by the ample resources of the country, will be able to discharge punctually every pecuniary obligation. For the future all that is needed will be that caution and forbearance in appropriations which the diminution of the revenue requires and which the complete accomplishment or great forwardness of many expensive national undertakings renders equally consistent with prudence and patriotic liberality.

The preceding suggestions and recommendations are submitted in the belief that their adoption by Congress will enable the executive department to conduct our fiscal concerns with success so far as their management has been committed to it. Whilst the objects and the means proposed to attain them are within its constitutional powers and appropriate duties, they will at the same time, it is hoped, by their necessary operation, afford essential aid in the transaction of individual concerns, and thus yield relief to the people at large in a form adapted to the nature of our Government. Those who look to the action of this Government for specific aid to the citizen to relieve embarrassments arising from losses by revulsions in commerce and credit lose sight of the ends for which it was created and the powers with which it is clothed. It was established to give security to us all in our lawful and honorable pursuits, under the lasting safeguard of republican institutions. It was not intended to confer special favors on individuals or on any classes of them, to create systems of agriculture, manufactures, or trade, or to engage in them either separately or in connection with individual citizens or organized associations. If its operations were to be directed for the benefit of any one class, equivalent favors must in justice be extended to the rest, and the attempt to bestow such favors with an equal hand, or even to select those who should most deserve them, would never be successful.

All communities are apt to look to government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not to be. The framers of our excellent Constitution and the people who approved it with calm and sagacious deliberation acted at the time on a sounder principle. They wisely judged that the less government interferes with private pursuits the better for the general prosperity. It is not its legitimate object to make men rich or to repair by direct grants of money or legislation in favor of particular pursuits losses not incurred in the public service. This would be substantially to use the property of some for the benefit of others. But its real duty—that duty the performance of which makes a good government the most precious of human blessings—is to enact and enforce a system of general laws commensurate with, but not exceeding, the objects of its establishment, and to leave every citizen and every interest to reap under its benign protection the rewards of virtue, industry, and prudence.

I can not doubt that on this as on all similar occasions the Federal Government will find its agency most conducive to the security and happiness of the people when limited to the exercise of its conceded powers. In never assuming, even for a well-meant object, such powers as were not designed to be conferred upon it, we shall in reality do most for the general welfare. To avoid every unnecessary interference with the pursuits of the citizen will result in more benefit than to adopt measures which could only assist limited interests, and are eagerly, but perhaps naturally, sought for under the pressure of temporary circumstances. If, therefore, I refrain from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the General Government, and that their adoption would not promote the real and permanent welfare of those they might be designed to aid.

The difficulties and distresses of the times, though unquestionably great, are limited in their extent, and can not be regarded as affecting the permanent prosperity of the nation. Arising in a great degree from the transactions of foreign and domestic commerce, it is upon them that they have chiefly fallen. The great agricultural interest has in many parts of the country suffered comparatively little, and, as if Providence intended to display the munificence of its goodness at the moment of our greatest need, and in direct contrast to the evils occasioned by the waywardness of man, we have been blessed throughout our extended territory with a season of general health and of uncommon fruitfulness. The proceeds of our great staples will soon furnish the means of liquidating debts at home and abroad, and contribute equally to the revival of commercial activity and the restoration of commercial credit. The banks, established avowedly for its support, deriving their profits from it, and resting under obligations to it which can not be overlooked, will feel at once the necessity and justice of uniting their energies with those of the mercantile interest.

The suspension of specie payments at such a time and under such circumstances as we have lately witnessed could not be other than a temporary measure, and we can scarcely err in believing that the period must soon arrive when all that are solvent will redeem their issues in gold and silver. Dealings abroad naturally depend on resources and prosperity at home. If the debt of our merchants has accumulated or their credit is impaired, these are fluctuations always incident to extensive or extravagant mercantile transactions. But the ultimate security of such obligations does not admit of question. They are guaranteed by the resources of a country the fruits of whose industry afford abundant means of ample liquidation, and by the evident interest of every merchant to sustain a credit hitherto high by promptly applying these means for its preservation.

I deeply regret that events have occurred which require me to ask your consideration of such serious topics. I could have wished that in making my first communication to the assembled representatives of my country I had nothing to dwell upon but the history of her unalloyed prosperity. Since it is otherwise, we can only feel more deeply the responsibility of the respective trusts that have been confided to us, and under the pressure of difficulties unite in invoking the guidance and aid of the Supreme Ruler of Nations and in laboring with zealous resolution to overcome the difficulties by which we are environed.

It is under such circumstances a high gratification to know by long experience that we act for a people to whom the truth, however unpromising, can always be spoken with safety; for the trial of whose patriotism no emergency is too severe, and who are sure never to desert a public functionary honestly laboring for the public good. It seems just that they should receive without delay any aid in their embarrassments which your deliberations can afford. Coming directly from the midst of them, and knowing the course of events in every section of our country, from you may best be learnt as well the extent and nature of these embarrassments as the most desirable measures of relief.

I am aware, however, that it is not proper to detain you at present longer than may be demanded by the special objects for which you are convened. To them, therefore, I have confined my communication; and believing it will not be your own wish now to extend your deliberations beyond them, I reserve till the usual period of your annual meeting that general information on the state of the Union which the Constitution requires me to give.

M. VAN BUREN.

SPECIAL MESSAGES.

WASHINGTON, *September 7, 1837.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to its ratification, a general convention of peace, friendship, commerce, and navigation between the United States and the Peru-Bolivian Confederation, signed at Lima on the 30th of November, 1836, by Samuel Larned, the chargé d'affaires of the United States, and J. Garcia del Rio, minister of state in the department of finance of the North Peruvian State.

M. VAN BUREN.

Hon. R. M. JOHNSON. WASHINGTON, *September 19, 1837.*

SIR: I have the honor to inclose a report of the Secretary of War, on the subject of the resolution of the Senate of the 2d of March, 1837.*

Very respectfully, your obedient servant,

M. VAN BUREN.

* Whether the works at Black Rock raise the waters of Lake Erie to the injury of property on its southern and western shores.

WASHINGTON, *September 26, 1837.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, accompanied by copies of the correspondence requested by their resolution of the 13th instant.

M. VAN BUREN.

DEPARTMENT OF STATE,
Washington, September 25, 1837.

The Secretary of State, to whom was referred the resolution of the House of Representatives dated the 13th instant, requesting the President to communicate to that body, "so far as the public interest will permit, the correspondence between the Government of the United States and that of Great Britain relating to the northeastern boundary of the United States since the message of the late President to the Senate of the United States of the 15th of June, 1836, and all the correspondence which has taken place since that period between the Government of the United States and the governor of the State of Maine on the subject of alleged aggressions upon the rights of Maine by the British authorities," has the honor respectfully to submit to the President copies of the letters and documents requested by that resolution.

JOHN FORSYTH.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
Augusta, March 30, 1837.

SIR: In compliance with a request of the legislature of this State, I have the honor to transmit to you the accompanying report and resolutions.

I am, very respectfully, your obedient servant,

ROBERT P. DUNLAP.

STATE OF MAINE, HOUSE OF REPRESENTATIVES,
March 29, 1837.

The joint select committee who had under consideration the order relating to the expediency of calling the attention of Congress to the subject of fortifying our maritime and interior frontier have attended to that duty, and ask leave to present the following report:

One object of the federal compact is "to provide for the common defense and general welfare."

In accordance with these objects of the compact, the General Government has from time to time made liberal appropriations for fortifying and defending the several States along our extended maritime frontier west and south of the western boundary line of this State. East of that line a mere trifle has as yet been appropriated for these objects.

Maine has a maritime frontier of about 500 miles in extent, following the indentations of her shores, and our interior frontier, bounding on New Brunswick on the east and the Canadas on the north, is about 600 miles in extent.

Considering this great extent of seacoast, her numerous excellent harbors, her noble rivers and great advantages for shipbuilding, and her proximity to the fishing grounds, probably no State in the Union possesses the natural advantages for carrying on this branch of industry that Maine does.

It is a fact worthy of consideration that all maritime nations have looked to their fisheries as the nursery of hardy seamen for the merchant service in time of peace and for the navy in time of war, and as a great question of national policy (aside

from the inducement to encourage this branch of business as an unfailing source of natural wealth) it is deemed worthy of the fostering care of all commercial nations.

Already the navigation of Maine is estimated at more than 300,000 tons, and exceeded by only two States in the Union, and her increase annually of tonnage is greater than that of any other State.

The abundance of building materials, believed to be inexhaustible, her great conveniences for shipbuilding along her extended seacoast, her numerous bays, rivers, and harbors, render it highly probable that the day is not far distant when the maritime interests of Maine will exceed that of any of her sister States; and if reliance can be placed upon the statements of a scientific engineer of high respectability and standing, who has during the past year, under the direction of the government of this State and our parent Commonwealth, made a geological survey of a portion of our State, it may be doubted whether the same extent of territory on the continent contains more real value viewed in all its bearings (the facilities of quarrying, manufacturing, exporting, and its influence upon the great interests of the State and nation) than is contained in our inexhaustible quarries of granite, lime, marble, slate, etc., mines and minerals in which large and profitable investments are already made. Some of these branches of business have been carried on for many years, and others to a large extent are commencing under the most favorable auspices.

These, together with our agricultural, commercial, and manufacturing interests, our immense forests of invaluable timber, with a water power of vast extent and value, giving us the means of laying the seaports of the Union under a contribution for ages to come, and warranting the belief that our present shipping interest will be sustained and employed and a great increase required.

About one-third of the most valuable portion of our territory is claimed by Great Britain, and the history of this protracted controversy from its commencement to the present time is such as to awaken general anxiety. We are admonished by recent events that we have not yet reached the termination of our toils and embarrassments, and they have awakened the painful apprehension that our just rights may not be secured by honorable negotiation or patient submission to unprovoked injuries. These considerations, in the opinion of your committee, call loudly for the interposition of the General Government, and require at their hands all needful preparation for possible contingencies. The late Governor Lincoln nearly ten years since called the attention of the Government to the importance of erecting a strong fortification in some eligible position on the confines of that portion of our territory to which an adverse claim is set up by Great Britain. In the opinion of your committee, the subject has lost none of its interest since that period, but, on the contrary, the events to which we have alluded give to it vastly augmented importance; and to our view, irrespective of any conditions growing out of the present controversy, a strong fortification upon the northeastern boundary of the United States, situated far in the interior and upon the confines of a foreign country, and surrounded by millions of acres of fertile land, destined soon to be peopled with a numerous population of hardy yeomanry, is of high importance.

Our isolated situation, being the northeastern boundary of the nation, with an interior frontier upward of 600 miles upon a foreign country and a large proportion of our territory lying between two Provinces of Great Britain and so situated as to render it greatly to the advantage of that nation to possess it; the inflexible determination which she manifests to pursue the course which interest dictates should not be forgotten; the extent of our seacoast; the exposed situation of our seaport towns, lying within a few hours' sail of the British naval depot in the neighborhood of Maine; the disastrous consequences of our defenseless situation during the last war; the great and increasing maritime interests which we have at stake without one single point where a ship, if dependent upon the United States fortifications, would be safe from the attacks of a frigate—these and the consideration that little,

comparatively, has yet been done for Maine seem to our view to constitute irresistible reasons why Maine should no longer be forgotten or neglected in the common defense of the country.

Through all the long-protracted struggles, difficulties, and embarrassments of our infant Republic this portion of our Union has never been urgent or importunate in pressing its claims, but has submitted patiently to the force of circumstances which rendered it necessary to defer them.

But in the present altered condition of the country—the national debt paid off at a season of universal peace and unexampled prosperity, with an overburthened Treasury, and when it is deemed necessary to dispose of it to resort to measures which many eminent statesmen consider unwarranted by the Constitution and which a great portion of the people of the Union consider of doubtful policy—at such a period and under such circumstances it is difficult to perceive the justice of longer withholding suitable appropriations for the defense of Maine, and to our view it can only be withheld by doing violence to the principles of equal rights and by neglecting a plain constitutional duty.

Your committee therefore submit the following resolutions.

STEPHEN C. FOSTER, *Chairman.*

STATE OF MAINE.

RESOLVE relating to the fortification of frontier States.

Resolved, That the obligation of the Federal Government, under the Constitution, when it has the means to erect suitable fortifications for the defense of the frontier of the States, is a practical duty not justly to be denied, evaded, neglected, or delayed.

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their influence to obtain liberal appropriations for the defense of Maine and the Union.

Resolved, That the governor be requested to transmit copies of the above report and resolutions to the President and Vice-President, the Secretaries of State, Navy, and War, and to each of our Senators and Representatives in Congress.

[Passed by both Houses and approved March 30, 1837.]

STATE OF MAINE, EXECUTIVE DEPARTMENT,
Augusta, April 30, 1837.

His Excellency MARTIN VAN BUREN,
President of the United States.

SIR: In compliance with a request of the legislature of this State, I have the honor to transmit to Your Excellency the accompanying report and resolutions:

In behalf of the State of Maine, I would respectfully, yet urgently, call on the President of the United States to cause the northeastern boundary of this State to be explored and surveyed and monuments erected in accordance with the request contained in the resolutions which are herewith communicated. As the subject is one in which the people of Maine have a deep interest, I feel a confidence it will commend itself to your early attention.

With high consideration, I have the honor to be, your obedient servant,

ROBERT P. DUNLAP.

STATE OF MAINE, IN HOUSE OF REPRESENTATIVES,
February 2, 1837.

The joint committee to whom was referred so much of the governor's message as relates to the northeastern boundary, and the documents and evidence, together with an order of the two houses instructing the committee "to inquire into the expediency of providing by law for the appointment of commissioners on the part of this

State, by the consent of the Government of the United States, to survey the line between this State and the Province of New Brunswick according to the treaty of 1783, to establish monuments in such places as shall be fixed by said commissioners and by commissioners to be appointed on the part of the Government of Great Britain," have attended to the duties assigned them with the industry and solicitude which the importance of the subject demanded. Could the committee have spared the time and had the means to obtain documents not within the jurisdiction of the State, and consequently out of its power, a more clear, methodical, and perfect view of the subject would have been presented; but as there had been hitherto so much procrastination and the impatience of the public, already great, was becoming more and more intense, your committee without further preamble or apology ask leave to present the following report:

The legislature and people of Maine, we believe, will not contend that the treaty-making power of the United States does not extend to a final adjustment of a disputed and undefined line of boundary between a State and a foreign nation; *but we do insist* that no power is granted by the Constitution of the United States to *limit* or *change the boundary of a State or cede a part of its territory without its consent.* It is even by no means certain how far *such consent* would enable the treaty authority to exert its powers. *Citizens* might be made the subjects of a treaty transfer, and these citizens owing allegiance to the State and to the Union, and allegiance and protection being reciprocally binding, the right to transfer a citizen to a foreign government, to *sell* him, might well be questioned as being inconsistent with the spirit of our free institutions. But be this as it may, Maine will never concede the principle that the President and two-thirds of the Senate can transfer its territory, much less its citizens, without its permission, given by its constitutional organs.

Your committee, however, deem it but fair to admit that they have discovered no inclination in the General Government, or any department of it, to assume this power. On the contrary, the President has repeatedly declined the adoption of a conventional line deviating from the treaty of 1783, upon the express ground that it could not be done without the consent of Maine.

It is due, nevertheless, to the State of Maine to say that the committee have no evidence that any conventional line has been proposed to them for their consent. It indeed appears that the consent of Maine had not been given to the adoption of any other boundary than that prescribed by the treaty of 1783 up to the 29th February, 1836, and we are well assured that no proposition for a different boundary has since that time been made to any department of the government of this State.

The President of the United States on the 15th June last communicated to the Senate, in compliance with their resolution, a copy of the correspondence relative to the northeastern boundary. This correspondence embraced a period from the 21st July, 1832, to the 5th March, 1836.

The opinion and advice of the King of the Netherlands, to whom the controversy was referred by the provisions of the treaty of Ghent, was made on the 10th January, 1831, and of the three questions submitted, viz, *the northeastern boundary*, *the northwesternmost head of Connecticut River*, and *the forty-fifth parallel of latitude*, he seems to have determined *but one.* He did decide that the source of the stream running into and through Connecticut Lake is the true northwest head of that river as intended by the treaty of 1783; and as to the rest, he *advises* that it will be *convenient* (*il conviendra*) to adopt the "Thalweg," the deepest channel of the St. John and St. Francis, for the north line, and that the forty-fifth degree is to be measured in order to mark out the boundary to the St. Lawrence, with a deviation so as to include Rouses Point within the United States. As to *the convenience* of establishing the St. John and St. Francis as the northern boundary of Maine, we have only to observe that however "convenient" it may be to Great Britain to obtain

so large a portion of our territory and waters, it would certainly be very *inconvenient* to us, and inasmuch as we are probably capable of judging of our own "convenience," and have never solicited *the advice* of anyone on this point, it is scarcely to be expected that we shall be *advised* to adopt a line so preposterous and injurious.

It was in this view and in strict conformity with the Constitution conferring the treaty power that the President on the 7th December, 1831, submitted to the Senate this "award" and "advice" of the King of the Netherlands. Senators were divided on a principal point, some insisting that to carry the award or opinion into effect was only *in execution* of the treaty, and it therefore belonged exclusively to the President "to take care" that this "supreme law" was faithfully executed or to reject it altogether.

But the prevailing opinion was that this "award" or "advice" was *perfecting an unfinished* treaty, and that therefore it could not be effected by the President without " the advice and consent of the Senate, two-thirds of the members present concurring therein." So far from the concurrence of two-thirds *for* the measure, there were *thirty-four* to *eight against* it, and it was consequently rejected, and a recommendation to the President was adopted to open a new negotiation to determine the line of boundary according to the treaty of 1783.

It is insisted by the British ministers that a due north line from the monument at the source of the St. Croix will intersect no highlands described in the treaty of 1783. Now this is an assumption by Great Britain totally unwarranted by any evidence. The boundaries bearing upon the question are thus given: "From the northwest angle of Nova Scotia, to wit, that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands; along the said highlands which divide *the rivers* that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River;" "east by a line to be drawn along the middle of the river St. Croix from its mouth, in the Bay of Fundy, to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the St. Lawrence."

The first object, starting place, or *terminus a quo*, is this *northwest angle of Nova Scotia*. It is the corner of the British Province *designated by themselves*. It was presumed, and it is still believed, that they knew the identical spot; we have a right to demand of them to define it. In the treaty of 1783 they were disposed to define it, and hence they say it is *that angle which is formed by a line drawn due north from the source of the St. Croix to those highlands which divide the rivers that flow into the St. Lawrence from those which flow into the Atlantic Ocean.*

Nothing can be more clear than that the British negotiators of the treaty of 1783 had reference to their east and west line between Canada and Nova Scotia. This in 1755–56 was matter of controversy between France and England, the French claiming that it was far south and the British strenuously contending that these very highlands were even more north than we have endeavored to fix them.

The controversy resulted in a war, which, after the capture of Quebec, was terminated by the peace of 1763, whereby Great Britain obtained both sides of the line, and she then established the north line of Nova Scotia about where we contend it should be. So far from admitting that a due north line from the monument will not intersect the highlands intended by the treaty of 1783, the State of Maine has always insisted, and still insists, that no known obstacle exists to the ascertaining and accurately defining them, and thus establishing the *terminus a quo, to wit, the northwest angle of Nova Scotia.* It would seem strange, indeed, that this line, so fully discussed and controverted between the English and French in 1755–56, should have been left unsettled still when both Provinces became British. It is impossible to imagine such ignorance of so important a point as this northwest angle, so often referred to and spoken of as a notorious monument.

The peace of 1783 was considered by Great Britain as *a grant by metes and bounds.* The boundaries were prescribed, and this northwest angle was *the commencement.* Twenty years only before this (1763) Nova Scotia had been organized as a distinct Province, then including what are now Nova Scotia and New Brunswick, and this angle was referred to as a boundary without hesitancy or doubt. Indeed, the treaty itself, as if to make assurance doubly sure, fixed it where a due north line from the source of the St. Croix will intersect those highlands which divide the rivers which flow into the *river* St. Lawrence from those which flow into the Atlantic Ocean. This source of the St. Croix has been determined and a monument fixed there by the commissioners under the fifth article of the treaty of 1795 (Jay's). Now the assumption that the north line from this monument will intersect or meet no such highlands is entirely gratuitous.

The treaty does not speak of mountains nor even hills, but of "highlands" that divide rivers flowing different ways. It was well known that rivers did fall into the St. Lawrence and into the Atlantic, that these rivers would run *down* and not *up*, and it was consequently inferred that the *land* from whence these *rivers* flowed must of necessity be *high*, and unless there are to be found in that region *geological phenomena* which exist nowhere else on the face of the globe this inference is irresistible.

The truth is that these highlands have been known and well understood by the British themselves ever since the grant of James I to Sir William Alexander, in 1621. The portion of the boundary there given which relates to this controversy is "from the western spring head of the St. Croix, by an imaginary line conceived to run through the land northward to the next road of Ships River or Spring discharging itself into the great river of Canada, and proceeding thence *eastward* along the shores of the sea of the said river of Canada to the road, haven, or shore commonly called *Gaspeck*" (Gaspé).

The cession of Canada by France made it necessary to define the limits of the Province of Quebec, and accordingly His Britannic Majesty, by his proclamation of 7th October, 1763, is thus explicit as to what affects this question: "Passing along the highlands which divide *the rivers* that empty themselves into the said *river* St. Lawrence from those which fall into *the* sea, and also *along the north coast of the Bay de Chaleurs* and the coast of the *Gulf* of the St. Lawrence to *Cape Rosiers*," etc.

The act of Parliament of the fourteenth George III (1774) defines thus the south line of Canada: "South by a line from the Bay de Chaleurs along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which flow into *the sea.*" The north line of the grant to Alexander is from the source of the St. Croix to the "spring head" or source of some river or stream which falls into the river St. Lawrence, and thence *eastward* to Gaspé Bay, which communicates with the Gulf of St. Lawrence in latitude 49° 30′, and would make nearly an east and west line. The proclamation of 1763 defines the *south* line of the Province of Quebec as passing along the highlands which divide the rivers that fall into the St. Lawrence from those which fall into the sea, and also along the north coast of the Bay de Chaleurs to *the Gulf* of St. Lawrence. This is the *south* boundary, and consequently in an *east* and *west direction;* but it passes *north* of Bay de Chaleurs, wherefore the south boundary of the Province must of necessity be north of Bay de Chaleurs. The eastern boundary is northerly by the Gulf of *Cape Rosiers*, in about latitude 50°, longitude 64° north of Gaspé Bay, and at the mouth of the river St. Lawrence, where it communicates with the gulf or sea. And the act of Parliament makes *this south side* from this same bay along those highlands, and it must *inevitably run west* or *it is no south* boundary. Now no one can doubt that in the proclamation of 1763 it was the intent to adopt Sir William Alexander's *northern* for this *southern* boundary of the Province of Quebec.

Indeed, it appears in every commission to the governor of Novia Scotia and New

Brunswick from 1763 to 1784, and after the treaty of peace of 1783, that the Province of Nova Scotia extended to the southern boundary of the Province of Quebec. It then irresistibly and inevitably follows that a west line from the Bay de Chaleurs, intersecting a due north line from the monument, is the identical northwest angle. Now a line from Mars Hill direct to Cape Rosiers, instead of being *easterly*, would be north of northeast, *crossing* the Bay de Chaleurs. But passing along its north coast, as the proclamation provides, the line from this Mars Hill must be more northerly still. Indeed, the pretense that a pyramidal spur or peak, such as this hill, should constitute the range of highlands mentioned in the treaty is so utterly visionary that it is entitled to *no sort of respect.*

We may now by these facts and reflections give this inquiry a right direction, *to wit*, to the ascertainment of the north boundary of Nova Scotia, which is the southern boundary of Canada. We have always been lured from this by the British negotiators to the *left* or *west* of this north line from the monument.

No one who is in the least conversant with the subject can suppose for a moment that this northwest angle can be found in such a direction. The question for us is, Are there any highlands north of the Bay de Chaleurs extending *in a western direction toward* a north line drawn from the monument? If this line westerly from the bay be not distinctly marked so far as to intersect this north line, the principle is to extend it in the same direction to the place of intersection; that is, if the line between Nova Scotia and Canada is *west* to within, say, 30 miles of the north line from the monument, and the rest of the way is indefinite or obscure, extend it on in the same direction until you form a point of intersection, and this will be the northwest angle of Nova Scotia. But the truth is, *the highlands are there*, and have been found in running due north from the monument. The elevations were taken by the British surveyor from the source of the St. Croix, at the monument, to the first waters of the Restigouche; and at Mars Hill, 40 miles, the summit of this isolated sugar loaf was 1,100 feet, and at the termination of the survey at the Restigouche waters, 100 miles farther, the elevation was 1,600 feet; consequently the summit of Mars Hill, 1,100 feet above the waters of the St. Croix, is 500 feet lower than the lands at the Restigouche. And yet the pretense is that there are no highlands but this detached spur, Mars Hill! Still further, the highest position surveyed is nearly 50 miles short of the Melis, which falls into the St. Lawrence, and we do not perceive that the elevations have been taken there at all, but we do find it is here that *the waters separate*, and consequently the land must be still higher.

In failure of highlands (*assumed* not to exist), the British negotiators claim a line which, instead of dividing the St. Lawrence and Atlantic waters, would actually extend between two rivers, *both of which fall into the Atlantic.*

To say nothing of the absurdity, not to say ignorance, of such a claim, it is enough that it is in the teeth of the treaty itself. It is painful to repeat the argument that no other highlands were intended, for all others were expressly excluded but those which divide the waters that flow in those different directions. The effect of their construction, as we all know, is to give them the whole of the St. John, with all its tributaries, and a tract of territory south of that river equal at least to 75 miles square.

Whether from the peaceful spirit of our Government, the Christian patience of Maine, or the "modest assurance" of the British negotiators—any or all—certain it is that His Britannic Majesty's pretensions *are growing every day.* It is not only an afterthought, but one very recently conceived, that we were to be driven south of the St. John.

His Britannic Majesty's agent, Mr. Chipman, who has been lately urging us south of that river, was also agent to the commission, under the treaty of 1795, to ascertain the true St. Croix, and in insisting on a more *western* branch of this river gives as a reason that a line due north will cross the St. John *farther up*, whereas if you

take an *eastern* branch such line will cross near Frederickton, the seat of government of New Brunswick, and materially infringe upon His Majesty's Province. He not only admits, but contends, that this north line *must* cross the river. Here are his words: "This north line must of necessity cross the river St. John." Mr. Liston, the British minister, in a private letter to Mr. Chipman of 23d October, 1798, recommends a modification of the powers of the commissioners for the reason that *it might give Great Britain a greater extent of navigation on the St. John River.* The same agent, Mr. Chipman, was also agent under the fourth article of the treaty of Ghent, and we find him contending there "that the northwest angle of Nova Scotia is the same designated in the grant to Sir William Alexander in 1621, subject only to such alterations as were occasioned by the erection of the Province of Quebec in 1763." Now we have already seen that this south line of the Province of Quebec, so far from *altering* this northwest angle, in fact confirms it.

In perfect accordance with this disposition to encroach is a proposition of the British minister (Mr. Vaughan) that inasmuch as the highlands can not be found by a due north direction from the monument we should *vary west* until we should intersect them, *but not* EAST. Now that in case a monument can not be found in the course prescribed you should look for it *at the left, but not to the right*, seems to us a very *sinister* proposition. We have shown, and, as we think, conclusively, that the range of highlands is to be looked for on British ground, and nowhere else, because it is their own boundary, and a line which must, with an ascertained north line, form the angle of one of their own Provinces. And yet we are not to examine there at all; we have never explored the country there, and are expected to yield to such arrogant, extravagant, and baseless pretensions!

We would ask why, in what justice, if we can not find the object in the route prescribed, are we to be thus trammeled? Where is the *reciprocity* of such a proposition, so degrading to the dignity and insulting to the rights and liberties of this State? No; the people of Maine will not now, and we trust they never will, tamely submit to such a *one-sided* measure.

The next restriction or limitation with which this negotiation is to be clogged is an admission that the Restigouche and St. John are not Atlantic rivers, because one flows into the Bay de Chaleurs and the other into the Bay of Fundy; yet neither falls into the river St. Lawrence. They would then find those highlands between the St. John and the Penobscot. There can not be a more arrogant pretension or palpable absurdity. Suppose the waters of both these rivers are excluded as flowing *neither way*, still the waters that flow *each way* are so far separated as to leave a tract of country which, if equally divided, would carry us far beyond the St. John. But we admit no such hypothesis. The *Atlantic* and the *sea* are used in the charters as synonymous terms. The Restigouche, uniting with the Bay de Chaleurs, which communicates with the sea, and the St. John, uniting with the Bay of Fundy, which also communicates with the sea, and that, too, by a mouth 90 miles wide, are both Atlantic rivers. These rivers were known by the negotiators not to be *St. Lawrence rivers;* they were known to exist, for they were rivers of the first class. If they were neither St. Lawrence nor Atlantic, why were they not excepted? They were not of the former, therefore they must be included in the latter description. Indeed, if rivers uniting with Atlantic bays are not Atlantic rivers, the Penobscot and Kennebec, which unite with the respective bays of Penobscot and Sagadahock, would not be Atlantic rivers, and then where are those highlands which divide the waters referred to in the treaty of 1783? Should we leave this question unsettled a little longer, and the British claims continue to increase, we might very soon find these highlands south of the Connecticut, and all the intermediate country would be *recolonized* by "construction." We therefore invoke the sympathy of all New England, with New York besides, to unite against this progressive claim—this avalanche which threatens to overwhelm *them as well as ourselves.*

Again, if this Mars Hill (and we confess we can not speak of the pretension with any patience) *is the northwest angle*, and the north boundary of Nova Scotia and the south boundary of the Province of Quebec are the same, and north of the Bay de Chaleurs, then there is indeed *no* northwest angle, for a line due north from the monument, passing by Mars Hill, must pursue nearly the same direction to get to the north of that bay without crossing it; and who ever thought of an angle at the side of a continuous line? Now, according to the British maps taken in this very case, you must run a course of north about 14° east to obtain the north side of the bay without crossing it, and the distance would be in this almost due north direction more than 100 miles, while that from the monument to Mars Hill would be little more than 40. Now when we consider that this northerly line must form nearly a right angle to pass along the north shore of the Bay de Chaleurs, that this is 100 miles farther north than Mars Hill, where instead of an angle there can be only an inclination of 14°, can there be a greater absurdity than the British claim founded on these facts?

We will now present some facts and remarks in regard to the surveys and explorings made by the commission under the fifth article of the treaty of Ghent, and the first fact that occurs is that the elevations taken by the British surveyor stop far short of where the waters divide, and we find no proof that these elevations were carried through by our own surveyors. If the British surveyor, after ascertaining *he was still ascending* and had in fact arrived at the lands at *a branch of a river* elevated 500 feet above the summit of Mars Hill, *found it prudent to stop short*, we see no good reason why the American agent did not *proceed on* and take accurate elevations at a place where the waters divide. If such a survey was made, the committee have not been able to obtain the evidence. It is not in the maps or documents in the library or office of the Secretary of State, and the committee believe that no such elevations have been taken northerly of the first waters of the Restigouche. It is, indeed, a little singular that we have so little evidence, not only in regard to this height of land, but also of the rivers which flow into the St. Lawrence *to the left*, and *especially to the right*, of the north line from the monument.

We know some of them, to be sure, such as the *Oelle Kamouska*, *Verte*, *Trois Pistoles*, *Remouskey*, and *Metis* on the left, and the *Blanche*, *Louis*, *Magdalen*, and others on the right of this line, but we know them chiefly as *on maps* and as transcribed from older maps, but very little from actual survey or even exploration. An examination of the sources of those rivers at the right of this north line, with the important natural boundary, the north shore of the Bay de Chaleurs, would accurately define the divisional line between the Province of Quebec and Nova Scotia, which extending west would intersect the due north line and thus form the northwest angle of Nova Scotia.

It moreover appears that little or no exploration has been made of the lands *east* of the due north line. It seems strange to us, although it may be satisfactorily explained, why we should have been drawn away from this very important region. It is, indeed, the true source of inquiry. In this direction the evidence is to be found, and Maine can never be satisfied until it is looked for here.

An extraordinary method of adjusting this question, though in perfect accordance with other pretensions, has been proposed by Great Britain—that the disputed territory should be divided in equal portions, each party being satisfied of the justice of its claims. To this proposition we can not subscribe. It is equally unjust between nations and individuals. Whether a party in controversy is satisfied or not with the justice of his claims is what is only known to himself, and consequently the one whose claims are most exorbitant, however unjust, will always get the best end of the bargain. But such a rule would in this case apply most unfortunately to Maine. We are limited at farthest to the St. Lawrence, and to a very narrow point there, while the British may extend their claims to the south and west indefinitely.

Establish this principle and we shall soon find their claims, already so progressive, stretched over to the Piscataqua, and then if we are to divide equally both as to *quantity and quality* the divisional line then would fall south of the Kennebec. If the want of the consent of Maine is the obstacle to such an adjustment, we trust it will always remain an insuperable one. Indeed, we protest against the application to us of such a rule as manifestly unequal and unjust.

We come now to the recent transactions of the British colonial authorities, sanctioned, as it appears, by the Government at home, and we regret to perceive in them also those strong indications of continual and rapid encroachment which have characterized that Government in the whole of this controversy. Mr. Livingston, in his letter of 21st July, 1832, proposes that "until the matter be brought to a final conclusion both parties should refrain from the exercise of jurisdiction," and Mr. Vaughan, in reply of 14th April, 1833, in behalf of his Government, "entirely concurs." Here, then, the faith of the two Governments is *pledged* to abstain from acts of jurisdiction until all is settled. Now, how are the facts? We understand, and indeed it appears by documents herewith exhibited, that an act has passed the legislature of New Brunswick "incorporating the St. Andrews and Quebec Railroad Company," that the King has granted £10,000 to aid the enterprise, and that the legislature of Lower Canada, by its resolutions of both houses, has approved the scheme and promised its cooperation. It may be that the Government at home was not aware that this railroad must inevitably cross the disputed territory.

But this ignorance of the subject seems incredible. A railroad from St. Andrews to Quebec would be *impossible* unless it crossed the territory in question, even next to impossible and totally useless were it to pass at the north of the St. John. It seems, therefore, extraordinary indeed that the British Government, even in the incipient stages of this enterprise, should make an appropriation which is in direct violation of its solemn pledge. To give to a railroad corporation powers over our rights and property is the strongest act of sovereignty. It is an act of delegated power which we ourselves give to our own citizens with extreme caution and with guarded restrictions and reservations. This railroad *must* not only cross the disputed territory, but it crosses it 50 miles south of the St. John and almost to the southerly extremity of the British claim, extravagant as it is. By the map herewith exhibited of the survey of the route it appears that the road crosses our due north line at Mars Hill, thence doubling round it toward the south it crosses the *Roostic* between the Great and Little *Machias*, the *Alleguash* at the outlet of *First Lake*, a branch of the St. John south of *Black River*, and passes into Canada between "Spruce Hills" on the right and "Three Hills" on the left, thus crossing a tract of country south of the St. John 100 by 50 miles. We have not a copy of the act of incorporation of New Brunswick, and can not, therefore, say that the route there defined is the same as on the map. Be this as it may, certain it is, as anyone will see, that no possible route can be devised which will not cross the territory in question. It is, then, a deliberate act of power, palpable and direct, claiming and exercising sovereignty far south even of the line recommended by the King of the Netherlands.

In all our inquiries and examinations of this subject there has been great negligence in regard to this northwest angle. Judge Benson, one of the commissioners under Jay's treaty, in a letter to the President of the United States expressly and clearly defines this angle. He states distinctly that the due north line from the source of the St. Croix is *the west-side line*, and the highlands are *the north-side line* which form this angle, and this had never been questioned by the British themselves.

This due north line, viz, the west-side line, was established by the commission of which Judge Benson was a member, and the British have made the north-side line to be north of the Bay de Chaleurs, and yet with these postulates to pretend that the points of intersection can not be found is one of the greatest of their absurdities; and another absurdity quite equal is that after passing west along the north shore

of this bay they would fall down nearly south more than 100 miles to Mars Hill, about 60 miles from the south shore of the Province, at the Bay of Passamaquoddy, which is part of the Bay of Fundy, and this point, too, of so little inclination that it is a palpable perversion of language to call it *an angle*, much more a northwest angle.

It is, indeed, time for us to begin to search, and in the right places, too, in order to put a stop to these perpetual encroachments upon our territory and rights. Our first object should be to ascertain and trace the north boundary of Nova Scotia, which is the south boundary of the Province of Quebec, and see if Canada comes as far down as Mars Hill. And we should proceed to finish taking the elevations on the due north line to some point where the waters divide. The General Government should be immediately called on to execute the work, with the cooperation of Massachusetts and Maine. Notice should be given to the British authorities to unite in the undertaking, and if they refuse our Government ought to proceed *ex parte*. The act would be entirely pacific, as the object would be *to ascertain facts*—much more pacific than the survey, *without notice*, of the St. Andrews and Quebec Railroad through our territory, not for the purpose of ascertaining a boundary, but to assume jurisdiction.

Your committee have gone through this tedious investigation with all the deliberation, exactness, and candor which our time, means, and feelings would allow. Our animadversions may in some instances have been strong, and even severe, but we think we have expressed the sentiments and feelings of the people of Maine, suffering under protracted injuries. This State should take a firm, deliberate, and dignified stand, and one which it will not retract. While it awards to the General Government all its legitimate powers, it will not be forgetful of its own. We call upon the President and Congress. We invoke that aid and sympathy of our sister States which Maine has always accorded to them. We ask, nay we demand, in the name of justice, HOW LONG we are to be thus trampled down by a foreign people? And we trust we shall meet a cordial and patriotic response in the heart of every republican of the Union.

Your committee therefore submit the following resolutions:

STATE OF MAINE.

RESOLVES relative to the northeastern boundary.

Resolved, That we view with much solicitude the British usurpations and encroachments on the northeastern part of the territory of this State.

Resolved, That pretensions so groundless and extravagant indicate a spirit of hostility which we had no reason to expect from a nation with whom we are at peace.

Resolved, That vigilance, resolution, firmness, and union on the part of this State are necessary in this state of the controversy.

Resolved, That the governor be authorized and requested to call on the President of the United States to cause the northeastern boundary of this State to be explored and surveyed and monuments erected according to the *treaty* of 1783.

Resolved, That the cooperation of Massachusetts be requested.

Resolved, That our Senators in Congress be *instructed* and our Representatives *requested* to endeavor to obtain a *speedy* adjustment of the controversy.

Resolved, That copies of this report and resolution be transmitted to the governor of Massachusetts, the President of the United States, to each of our Senators and Representatives in Congress, and other Senators in Congress, and the governors of the several States.

[Passed house March 24, 1837; passed Senate and approved March 25, 1837.]

STATE OF MAINE, EXECUTIVE DEPARTMENT,
Augusta, June 27, 1837.

His Excellency MARTIN VAN BUREN,
President of the United States.

SIR: I lose no time in communicating to Your Excellency a copy of a letter from Sir John Harvey, lieutenant-governor of the Province of New Brunswick, and also of a letter from J. A. Maclauchlan to Sir John Harvey, in relation to the arrest and imprisonment of Ebenezer S. Greely.

I have the honor to be, with high consideration, your obedient servant,

ROBERT P. DUNLAP.

GOVERNMENT HOUSE,
Fredericton, New Brunswick, June 12, 1837.

His Excellency the GOVERNOR OF THE STATE OF MAINE.

SIR: Since I had the honor of addressing your excellency under date the 6th instant, announcing my assumption of the administration of this government, a report has been laid before me by the warden of the disputed territory, copy of which I feel it to be an act of courtesy toward your excellency to lose no time in communicating to you.

In including the territory within the limits of the British claim in the census which "Ebenezer Greely" appears to have been instructed to take of the population of the county of "Penobscot" he has evidently acted in ignorance or under a misconception of the subsisting relations betwixt England and the United States of America, which I can not allow myself to doubt that your excellency will lose no time in causing to be explained and removed. Though necessarily committed to confinement, I have desired that every regard may be shown to Greely's personal convenience consistent with the position in which he has *voluntarily* placed himself. I use this expression because, as your excellency will observe, Greely was informed by the warden that if he would desist from the act in which he was engaged and the language which he was holding to the people of the Madawaska settlement (acts constituting not only an interference with the acknowledged rights of jurisdiction of this Province, but the positive exercise within its limits of actual jurisdiction, however unauthorized on the part of the State of Maine) and would withdraw from this district he should be allowed to do so; otherwise that in the discharge of the duties imposed upon him by his office he (the warden), who is in the commission of the peace, must be under the necessity of apprehending, in order to make him amenable to the laws of the Province. This proposal Greely rejected, and was accordingly committed to jail to be dealt with according to law. In the meantime, as an evidence of my desire to cultivate the most friendly understanding with the government of the State of which Greely is a citizen, I lose no time in saying that upon receiving an assurance from your excellency that your authority shall be exerted in restraining this or any other citizen of the State of Maine from adopting proceedings within the British limits (as claimed) calculated to infringe the authority and jurisdiction of this Province and to disturb and unsettle the minds of that portion of its inhabitants residing in the disputed territories until the question in dispute be brought to a final settlement Greely shall immediately be enlarged.

Trusting that your excellency will see in this proposition an anxious desire on my part to redeem the pledge given in my communication of the 6th instant, I have the honor to be, your excellency's most obedient, humble servant,

J. HARVEY,
Major-General, Lieutenant-Governor, etc.

FREDERICKTON, NEW BRUNSWICK, *June 10, 1837.*

His Excellency Major-General SIR JOHN HARVEY, K. C. H.,
Lieutenant-Governor, etc.:

May it please your excellency: In obedience to your excellency's instructions, communicated to me through the advocate-general in the absence of the attorney and solicitor generals, I have now the honor to report for the information of your excellency that I proceeded with the least possible delay to the Madawaska settlement. On my arrival at the Great Falls, 130 miles from hence, I was informed the American citizen Ebenezer S. Greely had passed up the day previous for the purpose of again proceeding with the census of the inhabitants of Madawaska under authority from the State of Maine. Aware of the probable excitement that would naturally arise between the two governments from this circumstance, and at the same time fully convinced that His Majesty's Government would but regret any unnecessary misunderstanding during the pending negotiation, I thought it advisable to call upon Mr. Coombs, a magistrate residing 12 miles above the Falls, and request him to accompany me, which he readily did, to witness the conversation between Mr. Greely and myself.

We then proceeded and overtook Mr. Greely a short distance above Green River, about 24 miles from the Falls, having ascertained by the inhabitants, as he passed up the river, that Mr. Greely was the whole of the previous day employed in taking down their names, number of each family, and stating they would shortly receive from the State of Maine a sum of money not exceeding $3 for each head of family out of the surplus revenue of the United States.

I required Mr. Greely to show me his instructions for exercising authority in Madawaska, when he handed me a document, a copy of which I beg to inclose your excellency, and after perusing the same I returned it with my opinion that I really thought he (Mr. Greely) had mistaken the intention of his instructions, as no allusion was made either to that settlement or the territory in dispute, and therefore if he would then desist in taking the census I would take no notice of what had passed. Moreover, in reply to my advice and request, he (Mr. Greely) remonstrated and attempted to make it appear that he would be fully borne out by his government in what he had done, and it was also his intention to complete the census if he was not prevented; this reply I regret having left me no alternative but to make him a prisoner, which I did on Wednesday, the 7th instant. On Friday evening I arrived in Frederickton, and this morning (Saturday), by the advice of the advocate-generals, I committed him to the gaol of the county of York.

I have the honor to be, your excellency's most obedient, humble servant.

J. A. MACLAUCHLAN,
Warden of the Disputed Territory.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
June 19, 1837.

His Excellency MARTIN VAN BUREN,
President of the United States.

SIR: I have the honor to inclose to Your Excellency the copy of a letter which came to hand by the last mail, by which it appears that Ebenezer S. Greely, esq., the agent employed by the county commissioners for the county of Penobscot to take the census of the town of Madawaska, has been arrested by the authorities of the Province of New Brunswick and is now incarcerated in the jail at Frederickton.

In this state of things it becomes my painful duty to make this communication to Your Excellency and to insist that prompt measures be adopted by the Government of the United States to effect the early release of the aforementioned citizen.

I have the honor to be, with great respect, your obedient servant,

ROBERT P. DUNLAP.

FREDERICKTON, PROVINCE OF NEW BRUNSWICK,
June 12, 1837.

ROBERT P. DUNLAP, Esq.,
Governor of Maine.

SIR: On the 15th of May last I was appointed by the county commissioners of Penobscot County to take the census of Madawaska. On the 6th of June instant I was arrested by Mr. Maclauchlan, from this place, and committed to jail by him, and there I now remain—in the prison at Frederickton. I was committed on the 10th instant. I addressed a letter to you on the 10th, which has gone by the way of St. Andrews. Fearing that letter will not arrive soon, I write again to-day by way of Houlton. I have described my arrest more particularly in my first letter, which you will undoubtedly receive before long; therefore I only give the facts in this, having a chance, by the assistance of Mr. Lombard, of Hallowell, of forwarding this to Houlton privately. I was employed in business of the State, and do expect my Government will intercede and liberate me from prison in a foreign and adjacent Province. I shall be pleased to receive a line from you expressing your opinion, direction, etc.

I remain, sir, respectfully, your obedient servant,

EBEN'R S. GREELY.

DEPARTMENT OF STATE,
Washington, June 26, 1837.

His Excellency ROBERT P. DUNLAP, Esq.,
Governor of Maine.

SIR: I have the honor, by direction of the President, to acknowledge the receipt of your letter to him of the 19th instant, inclosing the copy of a communication dated the 12th of the same month addressed to you by Ebenezer S. Greely, esq., the agent employed by the county commissioners for the county of Penobscot to take the census of the town of Madawaska, from which it appears that he has been arrested by the authorities of the Province of New Brunswick and is now in confinement in the jail at Frederickton, and insisting that prompt measures be adopted by the Government of the United States to effect the early release of the above-named citizen.

The circumstances attending this outrage as given in Mr. Greely's letter are not sufficient, in the view of the President, to warrant the interference of the Government at present. For what cause, at what place, and by what authority the arrest was made is not stated. The necessary explanations may be found, perhaps, in the previous communication which Mr. Greely refers to as having been addressed to you by him on the 10th June; if not, it is probable that you will easily be able to obtain explicit information from other sources and communicate it to this Department. It is indispensable that a full knowledge of all the facts illustrative of the case should be in possession of the Government before any formal application for redress can be properly preferred.

In the meantime I have in conversation unofficially called the attention of Mr. Fox, the British minister at Washington, to this complaint, and he has given me an assurance that he will immediately address a representation on the subject to the governor of New Brunswick requesting, unless there shall be some very extraordinary reasons against it, that Mr. Greely may be set at liberty.

I am, sir, your obedient servant,

JOHN FORSYTH.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
Augusta, June 27, 1837.

Hon. JOHN FORSYTH,
Secretary of State of the United States.

SIR: I would respectfully solicit copies of all documents and papers in the Department of State of the United States in relation to the subject of the northeastern boundary, with the exception of such as were furnished this department by the General Government in the year 1827. It is understood that copies have been furnished relative to this subject down to the respective statements submitted by the two Governments to the King of the Netherlands, but the arguments we have not been furnished with.

I am, very respectfully, your obedient servant,

ROBERT P. DUNLAP.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
July 3, 1837.

Hon. JOHN FORSYTH,
Secretary of State of United States.

SIR: I have had the honor to receive yours of the 26th of June last, in which, by direction of the President, you indicate that the circumstances detailed in Mr. Greely's letter relative to his arrest and imprisonment are not of themselves without further explanation sufficient to justify the interference of the Government of the United States. This information is received with some surprise and much regret—surprise because I had understood Mr. Greely's communication to show that while employed within the limits of this State and under its authority on a business intrusted to him by the laws of the State he was, without being charged or suspected of any other offense, seized and transported to a foreign jail; regret inasmuch as the feelings of the people of this State have been strongly excited by this outrage upon the honor and sovereignty of Maine, and each additional day's confinement which that unoffending citizen endures is adding to the indignation of our citizens. I therefore hasten to lay before you a summary of the transactions connected with this subject as they are gathered from Mr. Greely's communications to this department. The facts are to be considered the less indisputable because they are in the main confirmed by the statements contained in the letter of the lieutenant-governor of the Province of New Brunswick, by whose order the imprisonment was made, and a copy of which I recently had the honor of transmitting to the President.

On the 8th day of March last the legislature of this State passed an act relative to the surplus revenue, a copy of which is inclosed,* to the eleventh, twelfth, and thirteenth sections of which I beg leave to refer your attention. An additional act was passed on the 29th day of March last, a copy of which I also inclose.* By this last-named act it became the duty of the county commissioners of Penobscot County to cause an enumeration to be taken of the inhabitants of said county residing north of the surveyed and located townships. The tract thus defined comprised the town of Madawaska, which was incorporated by this State on the 15th of March, 1831. Pursuant to that requirement, the county commissioners of said county appointed Ebenezer S. Greely to perform that service, and, being duly commissioned, he forthwith proceeded to the place designated and entered upon the required operations. Being thus employed, he was on the 29th day of May last arrested by the authorities of the Province of New Brunswick and conveyed to Woodstock, in the county of Carleton, in said Province, but the sheriff of the county refused to commit him to jail, and he was accordingly discharged. He immediately returned to the

*Omitted.

Madawaska settlements to enter again upon the duty intrusted to him. On the 6th day of June last he was arrested a second time by the same authorities and committed to the jail at Frederickton. It is for this act of obedience to the laws of his government that Mr. Greely now lies incarcerated in a public jail in the Province of New Brunswick. Is not redress urgently called for? Must not this unoffending citizen be immediately released?

Permit me, sir, to add my confident belief that the President on this presentation of the facts relative to this outrage upon the national as well as the State rights will not fail to demand the immediate release of Ebenezer S. Greely and to interpose suitable claims of indemnity for the wrongs so wantonly enforced upon him.

I am, very respectfully, your obedient servant,

ROBERT P. DUNLAP.

DEPARTMENT OF STATE,
Washington, July 14, 1837.

Hon. ROBERT P. DUNLAP,
Governor of the State of Maine.

SIR: Your letter of the 3d instant has been received. The surprise you express that the information contained in the letter of Mr. Greely which accompanied your former communication was not considered sufficient to enable the President to make a formal application to the British Government for his release has probably arisen from your not having adverted particularly to the defects of his statement. It was not expressly mentioned for what offense the arrest was made nor where it took place—upon the territory in dispute between the United States and Great Britain or beyond it. The character of the charge and the place at which the offense was committed might have been inferred from what was stated, but you must perceive the impropriety of a formal complaint from one government to another founded upon inference when the means of ascertaining and presenting the facts distinctly were within the power of the party complaining; but although this Department felt itself constrained by these considerations to delay a formal application to the British Government for the release of Mr. Greely, it lost no time, as has been already stated, in procuring the interference to that end of the British minister near this Government; and I have now the satisfaction to inform you that I have learnt from him that he has opened a correspondence with the lieutenant-governor of New Brunswick, which it is expected will lead to the release of Greely from confinement without waiting for the decision of His Britannic Majesty's Government on the whole question.

The information communicated to the Department since the receipt of your letter of the 3d instant is sufficiently explicit, and a note founded upon it has been, by direction of the President, addressed to Mr. Stevenson, instructing him to demand the immediate liberation of Mr. Greely and indemnity for his imprisonment.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

P. S.—The papers asked for in your letter of the 27th ultimo will be sent to you.

DEPARTMENT OF STATE,
Washington, July 19, 1837.

Hon. ROBERT P. DUNLAP,
Governor of Maine.

SIR: In compliance with the request contained in your letter of the 27th ultimo, I have the honor to transmit to you a printed volume containing a statement on the part of the United States of the case referred, in pursuance of the convention of the 29th September, 1827, between the said States and Great Britain to the King

CARTOON ON "THE TIMES."

FINANCIAL CRISIS OF VAN BUREN'S ADMINISTRATION, FOLLOWING RETIRING OF INFLATED PAPER CURRENCY AND RESUMPTION OF SPECIE PAYMENTS.

of the Netherlands for his decision thereon, and to refer you for such other papers and documents in relation to the northeastern boundary as have not been specially furnished by this Department to the executive of Maine to the following numbers in the volumes of documents of the Senate and House of Representatives distributed under a resolution of Congress, and which have been from time to time transmitted to the several State governments, including that of Maine:

Documents of the House of Representatives: First session Twentieth Congress, Nos. 217, 218; second session Twentieth Congress, No. 90; second session Twenty-third Congress, No. 62. Documents of the Senate: First session Twenty-fourth Congress, No. 414.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
July 28, 1837.

His Excellency MARTIN VAN BUREN,
President of the United States.

SIR: Impelled by a sense of duty arising from the oversight committed to me of the rights and interests of this State, I beg leave to invite the attention of Your Excellency to the subject of the northeastern boundary of Maine. By the federal compact the obligation of defending each State against foreign invasion and of protecting it in the exercise of its jurisdictional rights up to its extreme line of boundary is devolved upon the National Government. Permit me respectfully to inform the President that in the opinion of the people of Maine the justice due to this State in this respect has not been rendered.

Let it not be suspected that the discontents which are moving strongly and deeply through the public mind flow from any deficiency of attachment or practical adhesion to our National Government. Without appealing to the blood so freely poured out in war by the citizens of Maine, to the privations so cheerfully endured while the restrictive measures of the Government were prostrating the most important interests of this commercial people, or to the support of the Union so cordially given through every vicissitude up to the present hour, such a suspicion, if it could arise, would be sufficiently refuted by merely adverting to the forbearance with which they have so long endured the aggressions by a foreign government upon their sovereignty, their citizens, and their soil.

It would be easy to prove that the territory of Maine extends to the highlands north of the St. John; but that point, having been not only admitted, but successfully demonstrated, by the Federal Government, needs not now to be discussed. Candor, however, requires me to say that this conceded and undeniable position ill accords with the proceedings in which the British authorities have for many years been indulged, and by which the rightful jurisdiction of Maine has been subverted, her lands ravaged of their most valuable products, and her citizens dragged beyond the limits of the State to undergo the sufferings and ignominies of a foreign jail. These outrages have been made known to the Federal Government; they have been the subject of repeated remonstrances by the State, and these remonstrances seem as often to have been contemned. It can not be deemed irrelevant for me here to ask, amid all these various impositions, and while Maine has been vigorously employed in sustaining the Union and in training her children to the same high standard of devotion to the political institutions of the country, what relief has been brought to us by the Federal Government. The invaders have not been expelled. The sovereignty and soil of the State are yet stained by the hostile machinations of resident emissaries of a foreign government. The territory and the jurisdiction of 6,000,000 acres, our title to which the Government of the United States has pronounced to be perfect, have, without the knowledge of Maine, been once put entirely at hazard. Grave

discussions, treaty arrangements, and sovereign arbitration have been resorted to, in which Maine was not permitted to speak, and they have resulted not in removing the fictitious pretensions, but in supplying new encouragements to the aggressors. Diplomatic ingenuity, the only foundation of the British claim, has been arrayed against the perfect right. In the meantime a stipulation made by the Executive of the nation, without the knowledge of Maine, purported to preclude her from reclaiming her rightful jurisdiction until the slow process of a negotiation should be brought to a close. Whatever the real force of that stipulation might be, made as it was without the concurrence of the two branches of the treaty-making power, it was hoped when it expired by the closing up of that negotiation that a measure fraught with such hurtful consequences to Maine would not again be attempted; but that hope was to be disappointed, and now, by a compact of similar character, a writ of protection appears to have been spread by our own Government over the whole mass of British aggressions. What, then, has the Federal Government done for this State? May it not be said, in the language of another, "Maine has not been treated as she endeavored to deserve"?

On the 22d day of April last I had the honor to transmit to Your Excellency certain resolves passed by the legislature of this State relative to the northeastern boundary, and in behalf of the State to call upon the President of the United States to cause the line to be explored and surveyed and monuments thereof erected. That this call, made by direction of the legislature, did not extend to the expulsion of invaders, but merely to the ascertainment of the treaty line, will, I trust, be viewed as it was designed to be, not only as an evidence of the continued forbearance of Maine, but as a testimonial of the confidence she cherished that the Federal Executive would protect the territory after its limitation should be ascertained. That this application would meet with favor from the Federal Executive was expected, more especially as Congress had made a specific appropriation for the purpose. I will not attempt to conceal the mortification I have realized that no reply has been made to that communication nor any measures taken, so far as my information extends, for effecting the object proposed.

It now remains that in the exercise of that faithfulness for which I stand solemnly pledged to the people of Maine I should again commend to the attention of the National Executive this apparently unwelcome but really important subject.

I have, therefore, the honor again to request that the President will cause the treaty line upon the northeastern limits of Maine to be run and marked, and I can not but hope that on a reexamination of the subject Your Excellency will concur with this State in relation to the rightfulness and the necessity of the measure proposed, as well as to all the remedies to be adopted for restoring to Maine the invaluable rights from which she has so long been debarred.

I have the honor to be, with high consideration, your obedient servant,

ROBERT P. DUNLAP.

DEPARTMENT OF STATE,
Washington, August 17, 1837.

His Excellency ROBERT P. DUNLAP,
Governor of the State of Maine.

SIR: Your letter of the 28th ultimo to the President was duly received. It has been referred to this Department with instructions to make a suitable reply.

Your excellency is of opinion that the Federal Government has for a series of years failed to protect the State of Maine in the exercise of her jurisdictional rights to the extent of her boundary, and complains that these rights have been in consequence thereof subverted, the lands of the State ravaged of their most valuable productions, and her citizens subjected to imprisonment in a foreign jail. Your excellency particularly objects to the course of the Federal Government for having,

without the knowledge of the State, put entirely at hazard the title of Maine, admitted by the Government of the United States to be perfect, to the territory in question by the resort to diplomatic discussions, treaty arrangements, and foreign arbitration in which Maine was not permitted to speak; for having entered into a stipulation without her consent purporting to preclude the State from retaining her rightful jurisdiction pending a negotiation, and for the continuance of it after that negotiation was supposed to have been concluded, and for an omission on the part of the Executive of the United States to comply with an application of the State made through her legislature to have the boundary line between Maine and the British North American possessions explored, surveyed, and monuments erected thereon in pursuance of the authority conferred on the President by Congress and of a request made by your excellency, which is now renewed.

The views which your excellency has been pleased to take of the subject at this time embrace measures some of which have long since ceased to be operative and reach back to the propriety of the stipulations entered into by the treaty of Ghent, also of the subsequent negotiation designed to bring those stipulations to a satisfactory result in the mode prescribed by that treaty—that of arbitrament. It being, as your excellency states, the opinion of Maine that those proceedings were unjust and unwise, it is, in a matter in which she is so deeply interested, her undoubted right to say so; yet the President thinks that he can not be mistaken in believing that no practical good can at this time be expected from discussion between the Federal and State Governments upon those points. That the measures referred to have not been as fortunate in their results as was hoped is entirely true, but your excellency may nevertheless be assured that they had their origin in a sincere desire on the part of the Federal Government to discharge all its duties toward the State of Maine as a member of the Union, and were resorted to in the full belief that her just rights would be promoted by their adoption.

In speaking of the restrictions imposed upon Maine in reclaiming her rightful jurisdiction your excellency doubtlessly refers to the understanding between the Federal Government and that of Great Britain that each party should abstain from the exercise of jurisdiction over the disputed territory during the pendency of negotiation. Unless it be correct to say that the controversy was one that did not admit of negotiation, and that the duty of the Federal Government consisted only in an immediate resort to maintain the construction put by itself upon its own rights and those of the State of Maine, there would seem to be no reasonable objection to such an arrangement as that alluded to, whether it be viewed in respect to the interests or the pacific and just characters of the respective Governments. That this arrangement was not abrogated at the period at which your excellency is understood to suppose that it ought to have been done, viz, upon the failure of a settlement of the controversy by arbitration, is explained by events of subsequent occurrence. When the award of the arbitrator was submitted by the late President to the Senate of the United States, that body refused its advice and consent to the execution of the award, and passed a resolution recommending to him to open a new negotiation with Great Britain for the ascertainment of the boundary according to the treaty of peace of 1783. That negotiation was forthwith entered upon by the Executive, is still pending, and has been prosecuted with unremitting assiduity. It is under such circumstances that the Federal Executive has decided upon a continued compliance with the arrangement referred to, and has insisted also upon its observance on the part of Great Britain.

Considerations of a similar nature have induced the President to refrain hitherto from exercising the discretionary authority with which he is invested to cause the boundary line in dispute to be explored, surveyed, and monuments to be erected thereon. Coinciding with the government of Maine on the question of the true boundary between the British Provinces and the State, the President is yet bound by

duty to consider the claim which has been set up by a foreign power in amity with the United States and the circumstances under which the negotiation for the adjustment of that claim has been transmitted to him. It could not be useful to examine the foundation of the British claim in a letter to your excellency. Respect for the authorities of a friendly nation compels us to admit that they have persuaded themselves that their claim is justly grounded. However that may be, the present President of the United States upon entering on the discharge of the duties of his office found that a distinct proposition had been made by his predecessor for the purpose of amicably settling this long-disputed controversy, to which no answer has yet been received. Under such circumstances the President was not able to satisfy himself, however anxious to gratify the people and the legislature of Maine, that a step like that recommended by them could be usefully or properly taken.

The clause containing the specific appropriation made by the last Congress for exploring, surveying, and marking certain portions of the northeastern boundary of the United States, to which your excellency alludes, is by no means imperative in its character. The simple legislative act of placing a sum of money under the control of the Executive for a designated object is not understood to be a direction that it must in any event be immediately applied to the prosecution of that object. On the contrary, so far from implying that the end in view is to be attained at all hazards, it is believed that it merely vests a discretionary power in the President to carry out the views of Congress on his own responsibility should contingencies arise to render expedient the proposed expenditure.

Under existing circumstances the President deems it proper to wait for the definitive answer of the British Government to the last proposition offered by the United States. When received, a further communication to your excellency may be found proper, and if so will be made without unnecessary delay.

It can not be necessary to assure your excellency that the omission to reply to your communication forwarding to this Department the resolutions of the legislature of Maine did not in any degree arise either from a want of respect for their wishes or for the wishes of your excellency, or from indifference to the interests of the State. When these resolutions were received, there was every reason at no distant day to expect what is now daily looked for—a definitive answer to the proposition just alluded to, to which the attention of the British Government had been again forcibly invited about the time those resolutions were on their passage. Under this expectation a reply to the application from Maine was temporarily delayed; the more readily as about the time of its reception the Representatives of Maine, acting in reference to one of those resolutions, had a full and free conversation with the President. The most recent proceedings relative to the question of boundary were shewn to them in this Department by his directions, and the occasion thus afforded was cheerfully embraced of offering frank and unreserved explanations of the President's views.

Of the recent events which have called the attention of the State of Maine to the question of the northeastern boundary, and which have been brought by it to the notice of the President, one—the arrest and imprisonment of Mr. Greely—has already been made the subject of communication with your excellency. All that it was competent for the Federal Executive to do has been done. Redress has been demanded, will be insisted upon, and is expected from that authority from whom alone redress can properly be sought. The President has followed the same course that was pursued by one of his predecessors and which was understood to be satisfactory to the State of Maine under circumstances of a somewhat similar character. In respect to the other—the projected construction of a railroad between St. Andrews and Quebec—a representation has been addressed to the British Government stating that the proposed measure is inconsistent with the understanding between the two Governments to preserve the *status quo* in the disputed territory until the question of boundary be satisfactorily adjusted, remonstrating against the project as contrary

to the American claim and demanding a suspension of all further movements in execution of it. No answer has yet been received to this communication. From an informal conversation between the British minister at Washington and myself at the Department of State, the President is, however, firm in the conviction that the attempt to make the road in question will not be further prosecuted.

I am, in conclusion, directed to inform you that however unbounded may be the confidence of the legislature and people of Maine in the justice of their claim to the boundary contended for by the United States, the President's is not less so; and your excellency may rest assured that no exertions have been or shall be spared on his part to bring to a favorable and speedy termination a question involving interests so highly important to Maine and to the Union.

I have the honor to be, with high consideration, your excellency's obedient servant,

JOHN FORSYTH.

DEPARTMENT OF STATE,
Washington, August 25, 1837.

His Excellency ROBERT P. DUNLAP,
Governor of Maine.

SIR: I have the honor to transmit to your excellency, by direction of the President, the copy of a note from the British minister at Washington, dated yesterday, stating that the Government of Her Britannic Majesty has been pleased to direct the immediate discontinuance by the colonial authorities of Lower Canada and New Brunswick, respectively, of all operations connected with the projected railroad between the cities of Quebec and St. Andrews.

Mr. Fox took occasion on Wednesday last to inform me that Mr. Greely had been discharged from imprisonment at Frederickton, a fact of which doubtlessly your excellency has been some time since apprised.

I have the honor to be, with high consideration, your excellency's obedient servant,

JOHN FORSYTH.

DEPARTMENT OF STATE,
Washington, March 23, 1837.

HENRY S. FOX, Esq., etc.:

The undersigned, Secretary of State of the United States, has the honor, by direction of the President, to invite the attention of Mr. Fox, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, to a subject which from its high importance demands the prompt consideration of His Majesty's Government.

It appears from representations and documents recently received at the Department of State that a number of inhabitants of the town of St. Andrews, in New Brunswick, associated themselves together in the year 1835, by the name of the St. Andrews and Quebec Railroad Association, for the purpose of bringing into public notice the practicability of constructing a railway between those ports, and that sundry resolutions were passed in furtherance of this object; that the project was sanctioned and patronized by the governor in chief of British North America, the lieutenant-governors of New Brunswick and Nova Scotia, and the legislatures and people of the Provinces of Lower Canada and New Brunswick; that the route of the proposed railroad had been explored as far as the head waters of the St. John River by surveyors employed by the association; that an act has actually passed the legislature of New Brunswick incorporating this company, and that a similar act was expected to be passed in Lower Canada; that letters were addressed to the boards of trade of Quebec and Montreal requesting their cooperation; that these communications were favorably received, and that petitions had been forwarded to His Britannic Majesty, signed by committees of the association and by inhabitants of the cities of Quebec and

Montreal, soliciting the construction of a railway between the ports above named, or the extension of royal aid and protection to the petitioners in the proposed undertaking.

Without allowing himself for a moment to believe that His Britannic Majesty's Government will in any manner countenance the projected railroad from St. Andrews to Quebec when the slightest inspection of the map of the country which it crosses will show that its intended location would be for a great portion of the route an encroachment upon the territory in dispute between the United States and Great Britain, the President yet sees cause for painful surprise and deep regret in the fact that the civil authorities of His Majesty's Provinces on our northeastern borders should have lent their encouragement to or should in any wise have promoted an undertaking which if persevered in will inevitably lead to the most disastrous consequences. The object of the association from its inception was objectionable, since it could only be effected by entering upon territory the title to which was controverted and unsettled—a proceeding which could not fail to be offensive to the Government and people of the United States. Still more unjustifiable was the act of sovereignty giving to this company corporate powers over property known to be claimed by citizens of a friendly and neighboring State, and which constituted at the time the subject of an amicable negotiation between the Government of His Majesty and that of the United States. The President regrets to see in this step on the part of His Majesty's provincial authorities and subjects a most exceptionable departure from the principle of continuing to abstain during the progress of negotiation from any extension of the exercise of jurisdiction within the disputed territory on either side, the propriety of which has been hitherto so sedulously inculcated and so distinctly acquiesced in by both parties. An understanding that this principle should be observed by them was the natural result of the respective positions and pacific intentions of the two Governments, and could alone prevent the exercise of asserted rights by force. Without it the end of all negotiation on the subject would have been defeated. If, therefore, nothing had been said by either party relative to such an understanding, it would have been proper to infer that a tacit agreement to that effect existed between the two Governments. But the correspondence between them is sufficiently full and explicit to prevent all misconception. The views of both Governments in respect to it will be found in the letters of the Secretary of State to the minister of Great Britain dated the 18th of January, 1826, 9th of January, 11th of March, and 11th of May, 1829, and of the British minister to the Secretary of State dated 15th of November and 2d of December, 1825; 16th of January, 1827; 18th of February and 25th of March, 1828, and 14th of April, 1833, as well as in other communications, which it is deemed needless now to designate.

The undersigned is directed by the President to inform Mr. Fox that the prosecution of the enterprise above referred to will be regarded by this Government as a deliberate infringement of the rights of the United States to the territory in question and as an unwarrantable assumption of jurisdiction therein by the British Government, and the undersigned is instructed to urge the prompt adoption of such measures as may be deemed most appropriate by His Majesty's Government to suspend any further movements in execution of the proposed railroad from St. Andrews to Quebec during the continuance of the pending negotiations between the two Governments relative to the northeastern boundary of the United States.

The proceedings above alluded to, considered in connection with incidents on other parts of the disputed boundary line well known to His Majesty's ministers, would seem to render it indispensable to the maintenance of those liberal and friendly relations between the two countries which both Governments are so sincerely anxious to preserve that they should come to a speedy adjustment of the subject. The recent resolutions of the State of Maine, to which the projected railroad from St. Andrews to Quebec gave rise, requesting the President of the United States to cause the line

established by the treaty of 1783 to be run and monuments to be established thereon, and the appropriation of $20,000 by Congress at their late session to enable the Executive to carry that request into effect, with a subsequent earnest application from the Representatives of Maine for an immediate compliance with it, afford additional incentives to exertion to bring this controversy to a conclusion not to be disregarded by the President of the United States.

The President therefore awaits with great anxiety the decision of His Majesty's Government on the proposition made by the undersigned to His Majesty's chargé d'affaires at Washington in February, 1836, suggesting the river St. John, from its mouth to its source, as an eligible and convenient line of boundary. No small degree of disappointment has been felt that this decision, already long expected, has not been given, but the hope is entertained that the result of this protracted deliberation will prove favorable to the wishes of the President, and that even if that proposition be not acceded to by His Britannic Majesty some definitive offer looking to a prompt termination of the controversy will be made without further delay.

The undersigned avails himself of this occasion to renew to Mr. Fox the assurance of his distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *March 28, 1837.*

Hon. JOHN FORSYTH, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has had the honor to receive the official note addressed to him under date of the 23d instant by Mr. Forsyth, Secretary of State of the United States, upon the subject of information received by the United States Government of a projected railroad between the cities of Quebec and St. Andrews, and upon certain other matters connected with the question of the boundary line between the United States and the British possessions in North America.

The undersigned, in accordance with the wishes of the President signified in Mr. Forsyth's official note, will not fail immediately to convey that note to the knowledge of his Government at home; and he entertains no doubt that His Majesty's Government will proceed to the consideration of the several matters therein contained with the serious and ready attention that their importance deserves.

The undersigned avails himself of this occasion to renew to Mr. Forsyth the assurance of his high esteem and consideration.

H. S. FOX.

WASHINGTON, *August 24, 1837.*

Hon. JOHN FORSYTH, etc.

SIR: With reference to the official note which, by direction of the President, you addressed to me on the 23d of March last, respecting a projected railroad between the cities of Quebec and St. Andrews, which it was apprehended would, if carried into effect, traverse a part of the territory at present in dispute between Great Britain and the United States, I am now enabled to inform you that, in consideration of the arguments and observations contained in your note, Her Majesty's Government has been pleased to direct the colonial authorities of Lower Canada and New Brunswick, respectively, to cause all operations connected with the above-mentioned project within the limits of the disputed territory to be immediately discontinued.

I have the honor to be, sir, with high respect and consideration, your most obedient and humble servant,

H. S. FOX.

Mr. Stevenson to Lord Palmerston.

[Extract.]

23 PORTLAND PLACE, *August 10, 1837.*

* * * * * * *

The undersigned will avail himself of the occasion to remind Lord Palmerston of the urgency which exists for the immediate and final adjustment of this long-pending controversy [respecting the northeastern boundary] and the increased obstacles which will be thrown in the way of its harmonious settlement by these repeated collisions of authority and the exercise of exclusive jurisdiction by either party within the disputed territory.

He begs leave also to repeat to his lordship assurances of the earnest and unabated desire which the President feels that the controversy should be speedily and amicably settled, and to express the anxiety with which the Government of the United States is waiting the promised decision of Her Majesty's Government upon the proposition submitted to it as far back as July, 1836, and which the undersigned had been led to believe would long since have been given; and he has been further directed to say that should this proposition be disapproved the President entertains the hope that some new one, on the part of Her Majesty's Government, will immediately be made for the final and favorable termination of this protracted and deeply exciting controversy.

The undersigned begs Lord Palmerston to receive renewed assurances of his distinguished consideration.

A. STEVENSON.

WASHINGTON, *September 26, 1837.*

To the House of Representatives of the United States:

In compliance with that part of the resolution of the House of Representatives of the 9th of January last which relates to the diplomatic correspondence of the late William Tudor while chargé d'affaires of the United States to Brazil, I transmit a report from the Secretary of State, together with the documents by which it was accompanied.

M. VAN BUREN.

WASHINGTON, *September 30, 1837.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the United States of the 13th instant, respecting an annexation of Texas to the United States, I transmit a report from the Secretary of State and the documents by which it was accompanied.

M. VAN BUREN.

WASHINGTON, *September 30, 1837.*

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, containing the information requested by their resolution of the 19th instant, together with the documents by which the report was accompanied.

M. VAN BUREN.

DEPARTMENT OF STATE,
Washington, September 29, 1837.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 19th instant, requesting the President to communicate to that House what measures have been adopted since the adjournment of the last Congress in relation to the tobacco trade between the United States and foreign countries, also such information as he may have received from our ministers or other agents abroad in relation to the same, has the honor to report that since the adjournment of the last Congress instructions have been given to the diplomatic representatives of this country at the Courts of Great Britain, France, Russia, Prussia, Sweden, Denmark, Holland, and Belgium directing them to endeavor to procure from the respective Governments to which they are accredited the abolition or modification of the existing duties and restrictions upon tobacco imported from the United States, and that special agents have been appointed to collect information respecting the importation, the cultivation, the manufacture, and consumption of tobacco in the various States of Germany to which the United States have not accredited representatives, and to prepare the way for negotiations for the promotion of the interests of the tobacco trade with those countries. A copy of the dispatches of the representatives of the United States received upon this subject is herewith communicated.*

The special agents have proceeded to the execution of their duties, but no report has as yet been received from either of them.

All which is respectfully submitted.

JOHN FORSYTH.

WASHINGTON CITY, *October 2, 1837.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate, a treaty concluded with the Miami tribe of Indians by General Marshall in 1834, with explanatory documents from the Department of War, and ask its advice in regard to the ratification of the original treaty with the amendments proposed by the Secretary of War; the treaty, with the amendments, in the event of its ratification by the United States, to be again submitted to the chiefs and warriors of the Miami tribes for their sanction or rejection.

M. VAN BUREN.

WASHINGTON, *October 2, 1837.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 13th ultimo, concerning the boundary between the United States and the Mexican Republic and a cession of territory belonging to the Mexican Confederation to the United States, I transmit a report from the Secretary of State and the documents by which it was accompanied

M. VAN BUREN.

*Omitted.

WASHINGTON, *October, 1837.*

To the House of Representatives of the United States:

I have the honor, in compliance with the resolution of the House of Representatives of the 4th instant, to transmit the proceedings of the court of inquiry in the case of Brevet Brigadier-General Wool.*

M. VAN BUREN.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress of the United States of the 25th of May, 1832, entitled "An act to exempt the vessels of Portugal from the payment of duties of tonnage," it was enacted as follows: "No duties upon tonnage shall be hereafter levied or collected of the vessels of the Kingdom of Portugal: *Provided, always*, That whenever the President of the United States shall be satisfied that the vessels of the United States are subjected in the ports of the Kingdom of Portugal to payment of any duties of tonnage, he shall by proclamation declare the fact, and the duties now payable by vessels of that Kingdom shall be levied and paid as if this act had not been passed;" and

Whereas satisfactory evidence has been received by me not only that the vessels of the United States are subjected in the ports of the said Kingdom of Portugal to payment of duties of tonnage, but that a discrimination exists in respect to those duties against the vessels of the United States:

Now, therefore, I, Martin Van Buren, President of the United States of America, do hereby declare that fact and proclaim that the duties payable by vessels of the said Kingdom of Portugal on the 25th day of May, 1832, shall henceforth be levied and paid as if the said act of the 25th of May, 1832, had not been passed.

Given under my hand, at the city of Washington, the 11th day of October, 1837, and of the Independence of the United States the sixty-second.

M. VAN BUREN.

By the President:

JOHN FORSYTH,

Secretary of State.

* Respecting transactions in the Cherokee country.

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 5, 1837.*

Fellow-Citizens of the Senate and House of Representatives:

We have reason to renew the expression of our devout gratitude to the Giver of All Good for His benign protection. Our country presents on every side the evidences of that continued favor under whose auspices it has gradually risen from a few feeble and dependent colonies to a prosperous and powerful confederacy. We are blessed with domestic tranquillity and all the elements of national prosperity. The pestilence which, invading for a time some flourishing portions of the Union, interrupted the general prevalence of unusual health has happily been limited in extent and arrested in its fatal career. The industry and prudence of our citizens are gradually relieving them from the pecuniary embarrassments under which portions of them have labored; judicious legislation and the natural and boundless resources of the country have afforded wise and timely aid to private enterprise, and the activity always characteristic of our people has already in a great degree resumed its usual and profitable channels.

The condition of our foreign relations has not materially changed since the last annual message of my predecessor. We remain at peace with all nations, and no efforts on my part consistent with the preservation of our rights and the honor of the country shall be spared to maintain a position so consonant to our institutions. We have faithfully sustained the foreign policy with which the United States, under the guidance of their first President, took their stand in the family of nations—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges; rendering and demanding justice in all cases; advancing their own and discussing the pretensions of others with candor, directness, and sincerity; appealing at all times to reason, but never yielding to force nor seeking to acquire anything for themselves by its exercise.

A rigid adherence to this policy has left this Government with scarcely a claim upon its justice for injuries arising from acts committed by its authority. The most imposing and perplexing of those of the United States upon foreign governments for aggressions upon our citizens were disposed of by my predecessor. Independently of the benefits conferred upon our citizens by restoring to the mercantile community so many millions of which they had been wrongfully divested, a great service was also rendered to his country by the satisfactory adjustment of so many ancient and irritating subjects of contention; and it reflects no ordinary credit on his successful administration of public affairs that this great object was accomplished without compromising on any occasion either the honor or the peace of the nation.

With European powers no new subjects of difficulty have arisen, and those which were under discussion, although not terminated, do not present a more unfavorable aspect for the future preservation of that good understanding which it has ever been our desire to cultivate.

Of pending questions the most important is that which exists with the Government of Great Britain in respect to our northeastern boundary. It is with unfeigned regret that the people of the United States must look back upon the abortive efforts made by the Executive, for a period of more than half a century, to determine what no nation should suffer long to remain in dispute—the true line which divides its possessions from those of other powers. The nature of the settlements on the borders of the United States and of the neighboring territory was for a season such that this, perhaps, was not indispensable to a faithful performance of the duties of the Federal Government. Time has, however, changed this state of things, and has brought about a condition of affairs in which the true interests of both countries imperatively require that this question should be put at rest. It is not to be disguised that, with full confidence, often expressed, in the desire of the British Government to terminate it, we are apparently as far from its adjustment as we were at the time of signing the treaty of peace in 1783. The sole result of long-pending negotiations and a perplexing arbitration appears to be a conviction on its part that a conventional line must be adopted, from the impossibility of ascertaining the true one according to the description contained in that treaty. Without coinciding in this opinion, which is not thought to be well founded, my predecessor gave the strongest proof of the earnest desire of the United States to terminate satisfactorily this dispute by proposing the substitution of a conventional line if the consent of the States interested in the question could be obtained. To this proposition no answer has as yet been received. The attention of the British Government has, however, been urgently invited to the subject, and its reply can not, I am confident, be much longer delayed. The general relations between Great Britain and the United States are of the most friendly character, and I am well satisfied of the sincere disposition of that Government to maintain them upon their present footing. This disposition has also, I am persuaded, become more general with the people of England than at any previous period. It is scarcely necessary to say to you how cordially it is reciprocated by the Government and people of the United States. The conviction, which must be common to all, of the injurious consequences that result from keeping open this irritating question, and the certainty that its final settlement can not be much longer deferred, will, I trust, lead to an early and satisfactory adjustment. At your last session I laid before you the recent communications between the two Governments and between this Government and that of the State of Maine, in whose solicitude concerning a subject in which she has so deep an interest every portion of the Union participates.

The feelings produced by a temporary interruption of those harmonious relations between France and the United States which are due as well to the recollections of former times as to a correct appreciation of existing interests have been happily succeeded by a cordial disposition on both sides to cultivate an active friendship in their future intercourse. The opinion, undoubtedly correct, and steadily entertained by us, that the commercial relations at present existing between the two countries are susceptible of great and reciprocally beneficial improvements is obviously gaining ground in France, and I am assured of the disposition of that Government to favor the accomplishment of such an object. This disposition shall be met in a proper spirit on our part. The few and comparatively unimportant questions that remain to be adjusted between us can, I have no doubt, be settled with entire satisfaction and without difficulty.

Between Russia and the United States sentiments of good will continue to be mutually cherished. Our minister recently accredited to that Court has been received with a frankness and cordiality and with evidences of respect for his country which leave us no room to doubt the preservation in future of those amicable and liberal relations which have so long and so uninterruptedly existed between the two countries. On the few subjects under discussion between us an early and just decision is confidently anticipated.

A correspondence has been opened with the Government of Austria for the establishment of diplomatic relations, in conformity with the wishes of Congress as indicated by an appropriation act of the session of 1837, and arrangements made for the purpose, which will be duly carried into effect.

With Austria and Prussia and with the States of the German Empire (now composing with the latter the Commercial League) our political relations are of the most friendly character, whilst our commercial intercourse is gradually extending, with benefit to all who are engaged in it.

Civil war yet rages in Spain, producing intense suffering to its own people, and to other nations inconvenience and regret. Our citizens who have claims upon that country will be prejudiced for a time by the condition of its treasury, the inevitable consequence of long-continued and exhausting internal wars. The last installment of the interest of the debt due under the convention with the Queen of Spain has not been paid and similar failures may be expected to happen until a portion of the resources of her Kingdom can be devoted to the extinguishment of its foreign debt.

Having received satisfactory evidence that discriminating tonnage duties were charged upon the vessels of the United States in the ports of Portugal, a proclamation was issued on the 11th day of October last, in compliance with the act of May 25, 1832, declaring that fact, and the duties on foreign tonnage which were levied upon Portuguese vessels in

the United States previously to the passage of that act are accordingly revived.

The act of July 4, 1836, suspending the discriminating duties upon the produce of Portugal imported into this country in Portuguese vessels, was passed, upon the application of that Government through its representative here, under the belief that no similar discrimination existed in Portugal to the prejudice of the United States. I regret to state that such duties are now exacted in that country upon the cargoes of American vessels, and as the act referred to vests no discretion in the Executive, it is for Congress to determine upon the expediency of further legislation on the subject. Against these discriminations affecting the vessels of this country and their cargoes seasonable remonstrance was made, and notice was given to the Portuguese Government that unless they should be discontinued the adoption of countervailing measures on the part of the United States would become necessary; but the reply of that Government, received at the Department of State through our chargé d'affaires at Lisbon in the month of September last, afforded no ground to hope for the abandonment of a system so little in harmony with the treatment shown to the vessels of Portugal and their cargoes in the ports of this country and so contrary to the expectations we had a right to entertain.

With Holland, Sweden, Denmark, Naples, and Belgium a friendly intercourse has been uninterruptedly maintained.

With the Government of the Ottoman Porte and its dependencies on the coast of the Mediterranean peace and good will are carefully cultivated, and have been fostered by such good offices as the relative distance and the condition of those countries would permit.

Our commerce with Greece is carried on under the laws of the two Governments, reciprocally beneficial to the navigating interests of both; and I have reason to look forward to the adoption of other measures which will be more extensively and permanently advantageous.

Copies of the treaties concluded with the Governments of Siam and Muscat are transmitted for the information of Congress, the ratifications having been received and the treaties made public since the close of the last annual session. Already have we reason to congratulate ourselves on the prospect of considerable commercial benefit; and we have, besides, received from the Sultan of Muscat prompt evidence of his desire to cultivate the most friendly feelings, by liberal acts toward one of our vessels, bestowed in a manner so striking as to require on our part a grateful acknowledgment.

Our commerce with the islands of Cuba and Porto Rico still labors under heavy restrictions, the continuance of which is a subject of regret. The only effect of an adherence to them will be to benefit the navigation of other countries at the expense of both the United States and Spain.

The independent nations of this continent have ever since they emerged from the colonial state experienced severe trials in their progress to the

permanent establishment of liberal political institutions. Their unsettled condition not only interrupts their own advances to prosperity, but has often seriously injured the other powers of the world. The claims of our citizens upon Peru, Chili, Brazil, the Argentine Republic, the Governments formed out of the Republics of Colombia and Mexico, are still pending, although many of them have been presented for examination more than twenty years. New Granada, Venezuela, and Ecuador have recently formed a convention for the purpose of ascertaining and adjusting claims upon the Republic of Colombia, from which it is earnestly hoped our citizens will ere long receive full compensation for the injuries inflicted upon them and for the delay in affording it.

An advantageous treaty of commerce has been concluded by the United States with the Peru-Bolivian Confederation, which wants only the ratification of that Government. The progress of a subsequent negotiation for the settlement of claims upon Peru has been unfavorably affected by the war between that power and Chili and the Argentine Republic, and the same event is also likely to produce delays in the settlement of our demands on those powers.

The aggravating circumstances connected with our claims upon Mexico and a variety of events touching the honor and integrity of our Government led my predecessor to make at the second session of the last Congress a special recommendation of the course to be pursued to obtain a speedy and final satisfaction of the injuries complained of by this Government and by our citizens. He recommended a final demand of redress, with a contingent authority to the Executive to make reprisals if that demand should be made in vain. From the proceedings of Congress on that recommendation it appeared that the opinion of both branches of the Legislature coincided with that of the Executive, that any mode of redress known to the law of nations might justifiably be used. It was obvious, too, that Congress believed with the President that another demand should be made, in order to give undeniable and satisfactory proof of our desire to avoid extremities with a neighboring power, but that there was an indisposition to vest a discretionary authority in the Executive to take redress should it unfortunately be either denied or unreasonably delayed by the Mexican Government.

So soon as the necessary documents were prepared, after entering upon the duties of my office, a special messenger was sent to Mexico to make a final demand of redress, with the documents required by the provisions of our treaty. The demand was made on the 20th of July last. The reply, which bears date the 29th of the same month, contains assurances of a desire on the part of that Government to give a prompt and explicit answer respecting each of the complaints, but that the examination of them would necessarily be deliberate; that in this examination it would be guided by the principles of public law and the obligation of treaties; that nothing should be left undone that might lead to the most speedy

and equitable adjustment of our demands, and that its determination in respect to each case should be communicated through the Mexican minister here.

Since that time an envoy extraordinary and minister plenipotentiary has been accredited to this Government by that of the Mexican Republic. He brought with him assurances of a sincere desire that the pending differences between the two Governments should be terminated in a manner satisfactory to both. He was received with reciprocal assurances, and a hope was entertained that his mission would lead to a speedy, satisfactory, and final adjustment of all existing subjects of complaint. A sincere believer in the wisdom of the pacific policy by which the United States have always been governed in their intercourse with foreign nations, it was my particular desire, from the proximity of the Mexican Republic and well-known occurrences on our frontier, to be instrumental in obviating all existing difficulties with that Government and in restoring to the intercourse between the two Republics that liberal and friendly character by which they should always be distinguished. I regret, therefore, the more deeply to have found in the recent communications of that Government so little reason to hope that any future efforts of mine for the accomplishment of those desirable objects would be successful.

Although the larger number—and many of them aggravated cases of personal wrongs—have been now for years before the Mexican Government, and some of the causes of national complaint, and those of the most offensive character, admitted of immediate, simple, and satisfactory replies, it is only within a few days past that any specific communication in answer to our last demand, made five months ago, has been received from the Mexican minister. By the report of the Secretary of State herewith presented and the accompanying documents it will be seen that for not one of our public complaints has satisfaction been given or offered, that but one of the cases of personal wrong has been favorably considered, and that but four cases of both descriptions out of all those formally presented and earnestly pressed have as yet been decided upon by the Mexican Government.

Not perceiving in what manner any of the powers given to the Executive alone could be further usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was by my predecessor referred to Congress as one calling for its interposition. In accordance with the clearly understood wishes of the Legislature, another and formal demand for satisfaction has been made upon the Mexican Government, with what success the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican Government, it has become my painful duty to return the subject as it now stands to Congress, to whom it belongs to decide upon the time, the mode, and the

measure of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances govern the councils of our country.

The balance in the Treasury on the 1st January, 1837, was $45,968,523. The receipts during the present year from all sources, including the amount of Treasury notes issued, are estimated at $23,499,981, constituting an aggregate of $69,468,504. Of this amount about $35,281,361 will have been expended at the end of the year on appropriations made by Congress, and the residue, amounting to $34,187,143, will be the nominal balance in the Treasury on the 1st of January next; but of that sum only $1,085,498 is considered as immediately available for and applicable to public purposes. Those portions of it which will be for some time unavailable consist chiefly of sums deposited with the States and due from the former deposit banks. The details upon this subject will be found in the annual report of the Secretary of the Treasury. The amount of Treasury notes which it will be necessary to issue during the year on account of those funds being unavailable will, it is supposed, not exceed four and a half millions. It seemed proper, in the condition of the country, to have the estimates on all subjects made as low as practicable without prejudice to any great public measures. The Departments were therefore desired to prepare their estimates accordingly, and I am happy to find that they have been able to graduate them on so economical a scale. In the great and often unexpected fluctuations to which the revenue is subjected it is not possible to compute the receipts beforehand with great certainty, but should they not differ essentially from present anticipations, and should the appropriations not much exceed the estimates, no difficulty seems likely to happen in defraying the current expenses with promptitude and fidelity.

Notwithstanding the great embarrassments which have recently occurred in commercial affairs, and the liberal indulgence which in consequence of these embarrassments has been extended to both the merchants and the banks, it is gratifying to be able to anticipate that the Treasury notes which have been issued during the present year will be redeemed and that the resources of the Treasury, without any resort to loans or increased taxes, will prove ample for defraying all charges imposed on it during 1838.

The report of the Secretary of the Treasury will afford you a more minute exposition of all matters connected with the administration of the finances during the current year—a period which for the amount of public moneys disbursed and deposited with the States, as well as the financial difficulties encountered and overcome, has few parallels in our history.

Your attention was at the last session invited to the necessity of additional legislative provisions in respect to the collection, safe-keeping, and

transfer of the public money. No law having been then matured, and not understanding the proceedings of Congress as intended to be final, it becomes my duty again to bring the subject to your notice.

On that occasion three modes of performing this branch of the public service were presented for consideration. These were, the creation of a national bank; the revival, with modifications, of the deposit system established by the act of the 23d of June, 1836, permitting the use of the public moneys by the banks; and the discontinuance of the use of such institutions for the purposes referred to, with suitable provisions for their accomplishment through the agency of public officers. Considering the opinions of both Houses of Congress on the first two propositions as expressed in the negative, in which I entirely concur, it is unnecessary for me again to recur to them. In respect to the last, you have had an opportunity since your adjournment not only to test still further the expediency of the measure by the continued practical operation of such parts of it as are now in force, but also to discover what should ever be sought for and regarded with the utmost deference—the opinions and wishes of the people.

The national will is the supreme law of the Republic, and on all subjects within the limits of his constitutional powers should be faithfully obeyed by the public servant. Since the measure in question was submitted to your consideration most of you have enjoyed the advantage of personal communication with your constituents. For one State only has an election been held for the Federal Government; but the early day at which it took place deprived the measure under consideration of much of the support it might otherwise have derived from the result. Local elections for State officers have, however, been held in several of the States, at which the expediency of the plan proposed by the Executive has been more or less discussed. You will, I am confident, yield to their results the respect due to every expression of the public voice. Desiring, however, to arrive at truth and a just view of the subject in all its bearings, you will at the same time remember that questions of far deeper and more immediate local interest than the fiscal plans of the National Treasury were involved in those elections. Above all, we can not overlook the striking fact that there were at the time in those States more than one hundred and sixty millions of bank capital, of which large portions were subject to actual forfeiture, other large portions upheld only by special and limited legislative indulgences, and most of it, if not all, to a greater or less extent dependent for a continuance of its corporate existence upon the will of the State legislatures to be then chosen. Apprised of this circumstance, you will judge whether it is not most probable that the peculiar condition of that vast interest in these respects, the extent to which it has been spread through all the ramifications of society, its direct connection with the then pending elections, and the feelings it was calculated to infuse into the canvass have

exercised a far greater influence over the result than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the General Government more remote and far less important in its bearings upon that interest.

I have found no reason to change my own opinion as to the expediency of adopting the system proposed, being perfectly satisfied that there will be neither stability nor safety either in the fiscal affairs of the Government or in the pecuniary transactions of individuals and corporations so long as a connection exists between them which, like the past, offers such strong inducements to make them the subjects of political agitation. Indeed, I am more than ever convinced of the dangers to which the free and unbiased exercise of political opinion—the only sure foundation and safeguard of republican government—would be exposed by any further increase of the already overgrown influence of corporate authorities. I can not, therefore, consistently with my views of duty, advise a renewal of a connection which circumstances have dissolved.

The discontinuance of the use of State banks for fiscal purposes ought not to be regarded as a measure of hostility toward those institutions. Banks properly established and conducted are highly useful to the business of the country, and will doubtless continue to exist in the States so long as they conform to their laws and are found to be safe and beneficial. How they should be created, what privileges they should enjoy, under what responsibilities they should act, and to what restrictions they should be subject are questions which, as I observed on a previous occasion, belong to the States to decide. Upon their rights or the exercise of them the General Government can have no motive to encroach. Its duty toward them is well performed when it refrains from legislating for their special benefit, because such legislation would violate the spirit of the Constitution and be unjust to other interests; when it takes no steps to impair their usefulness, but so manages its own affairs as to make it the interest of those institutions to strengthen and improve their condition for the security and welfare of the community at large. They have no right to insist on a connection with the Federal Government, nor on the use of the public money for their own benefit. The object of the measure under consideration is to avoid for the future a compulsory connection of this kind. It proposes to place the General Government, in regard to the essential points of the collection, safe-keeping, and transfer of the public money, in a situation which shall relieve it from all dependence on the will of irresponsible individuals or corporations; to withdraw those moneys from the uses of private trade and confide them to agents constitutionally selected and controlled by law; to abstain from improper interference with the industry of the people and withhold inducements to improvident dealings on the part of individuals; to give stability to the concerns of the Treasury; to preserve the measures of the Government from the unavoidable reproaches that flow from such a connection, and

the banks themselves from the injurious effects of a supposed participation in the political conflicts of the day, from which they will otherwise find it difficult to escape.

These are my views upon this important subject, formed after careful reflection and with no desire but to arrive at what is most likely to promote the public interest. They are now, as they were before, submitted with unfeigned deference for the opinions of others. It was hardly to be hoped that changes so important on a subject so interesting could be made without producing a serious diversity of opinion; but so long as those conflicting views are kept above the influence of individual or local interests, so long as they pursue only the general good and are discussed with moderation and candor, such diversity is a benefit, not an injury. If a majority of Congress see the public welfare in a different light, and more especially if they should be satisfied that the measure proposed would not be acceptable to the people, I shall look to their wisdom to substitute such as may be more conducive to the one and more satisfactory to the other. In any event, they may confidently rely on my hearty cooperation to the fullest extent to which my views of the Constitution and my sense of duty will permit.

It is obviously important to this branch of the public service and to the business and quiet of the country that the whole subject should in some way be settled and regulated by law, and, if possible, at your present session. Besides the plans above referred to, I am not aware that any one has been suggested except that of keeping the public money in the State banks in special deposit. This plan is to some extent in accordance with the practice of the Government and with the present arrangements of the Treasury Department, which, except, perhaps, during the operation of the late deposit act, has always been allowed, even during the existence of a national bank, to make a temporary use of the State banks in particular places for the safe-keeping of portions of the revenue. This discretionary power might be continued if Congress deem it desirable, whatever general system be adopted. So long as the connection is voluntary we need, perhaps, anticipate few of those difficulties and little of that dependence on the banks which must attend every such connection when compulsory in its nature and when so arranged as to make the banks a fixed part of the machinery of government. It is undoubtedly in the power of Congress so to regulate and guard it as to prevent the public money from being applied to the use or intermingled with the affairs of individuals. Thus arranged, although it would not give to the Government that entire control over its own funds which I desire to secure to it by the plan I have proposed, it would, it must be admitted, in a great degree accomplish one of the objects which has recommended that plan to my judgment—the separation of the fiscal concerns of the Government from those of individuals or corporations.

With these observations I recommend the whole matter to your dis-

passionate reflection, confidently hoping that some conclusion may be reached by your deliberations which on the one hand shall give safety and stability to the fiscal operations of the Government, and be consistent, on the other, with the genius of our institutions and with the interests and wishes of the great mass of our constituents.

It was my hope that nothing would occur to make necessary on this occasion any allusion to the late national bank. There are circumstances, however, connected with the present state of its affairs that bear so directly on the character of the Government and the welfare of the citizen that I should not feel myself excused in neglecting to notice them. The charter which terminated its banking privileges on the 4th of March, 1836, continued its corporate power two years more for the sole purpose of closing its affairs, with authority "to use the corporate name, style, and capacity for the purpose of suits for a final settlement and liquidation of the affairs and acts of the corporation, and for the sale and disposition of their estate—real, personal, and mixed—but for no other purpose or in any other manner whatsoever." Just before the banking privileges ceased, its effects were transferred by the bank to a new State institution, then recently incorporated, in trust, for the discharge of its debts and the settlement of its affairs. With this trustee, by authority of Congress, an adjustment was subsequently made of the large interest which the Government had in the stock of the institution. The manner in which a trust unexpectedly created upon the act granting the charter, and involving such great public interests, has been executed would under any circumstances be a fit subject of inquiry; but much more does it deserve your attention when it embraces the redemption of obligations to which the authority and credit of the United States have given value. The two years allowed are now nearly at an end. It is well understood that the trustee has not redeemed and canceled the outstanding notes of the bank, but has reissued and is actually reissuing, since the 3d of March, 1836, the notes which have been received by it to a vast amount. According to its own official statement, so late as the 1st of October last, nineteen months after the banking privileges given by the charter had expired, it had under its control uncanceled notes of the late Bank of the United States to the amount of $27,561,866, of which $6,175,861 were in actual circulation, $1,468,627 at State bank agencies, and $3,002,390 *in transitu*, thus showing that upward of ten millions and a half of the notes of the old bank were then still kept outstanding.

The impropriety of this procedure is obvious, it being the duty of the trustee to cancel and not to put forth the notes of an institution whose concerns it had undertaken to wind up. If the trustee has a right to reissue these notes now, I can see no reason why it may not continue to do so after the expiration of the two years. As no one could have anticipated a course so extraordinary, the prohibitory clause of the charter above quoted was not accompanied by any penalty or other special

provision for enforcing it, nor have we any general law for the prevention of similar acts in future.

But it is not in this view of the subject alone that your interposition is required. The United States in settling with the trustee for their stock have withdrawn their funds from their former direct liability to the creditors of the old bank, yet notes of the institution continue to be sent forth in its name, and apparently upon the authority of the United States. The transactions connected with the employment of the bills of the old bank are of vast extent, and should they result unfortunately the interests of individuals may be deeply compromised. Without undertaking to decide how far or in what form, if any, the trustee could be made liable for notes which contain no obligation on its part, or the old bank for such as are put in circulation after the expiration of its charter and without its authority, or the Government for indemnity in case of loss, the question still presses itself upon your consideration whether it is consistent with duty and good faith on the part of the Government to witness this proceeding without a single effort to arrest it.

The report of the Commissioner of the General Land Office, which will be laid before you by the Secretary of the Treasury, will show how the affairs of that office have been conducted for the past year. The disposition of the public lands is one of the most important trusts confided to Congress. The practicability of retaining the title and control of such extensive domains in the General Government, and at the same time admitting the Territories embracing them into the Federal Union as coequals with the original States, was seriously doubted by many of our wisest statesmen. All feared that they would become a source of discord, and many carried their apprehensions so far as to see in them the seeds of a future dissolution of the Confederacy. But happily our experience has already been sufficient to quiet in a great degree all such apprehensions. The position at one time assumed, that the admission of new States into the Union on the same footing with the original States was incompatible with a right of soil in the United States and operated as a surrender thereof, notwithstanding the terms of the compacts by which their admission was designed to be regulated, has been wisely abandoned. Whether in the new or the old States, all now agree that the right of soil to the public lands remains in the Federal Government, and that these lands constitute a common property, to be disposed of for the common benefit of all the States, old and new. Acquiescence in this just principle by the people of the new States has naturally promoted a disposition to adopt the most liberal policy in the sale of the public lands. A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary, it is generally conceded that whilst the mode of disposition adopted by the Government should always be a prudent one, yet its leading object ought to be the early settlement

and cultivation of the lands sold, and that it should discountenance, if it can not prevent, the accumulation of large tracts in the same hands, which must necessarily retard the growth of the new States or entail upon them a dependent tenantry and its attendant evils.

A question embracing such important interests and so well calculated to enlist the feelings of the people in every quarter of the Union has very naturally given rise to numerous plans for the improvement of the existing system. The distinctive features of the policy that has hitherto prevailed are to dispose of the public lands at moderate prices, thus enabling a greater number to enter into competition for their purchase and accomplishing a double object—of promoting their rapid settlement by the purchasers and at the same time increasing the receipts of the Treasury; to sell for cash, thereby preventing the disturbing influence of a large mass of private citizens indebted to the Government which they have a voice in controlling; to bring them into market no faster than good lands are supposed to be wanted for improvement, thereby preventing the accumulation of large tracts in few hands; and to apply the proceeds of the sales to the general purposes of the Government, thus diminishing the amount to be raised from the people of the States by taxation and giving each State its portion of the benefits to be derived from this common fund in a manner the most quiet, and at the same time, perhaps, the most equitable, that can be devised. These provisions, with occasional enactments in behalf of special interests deemed entitled to the favor of the Government, have in their execution produced results as beneficial upon the whole as could reasonably be expected in a matter so vast, so complicated, and so exciting. Upward of 70,000,000 acres have been sold, the greater part of which is believed to have been purchased for actual settlement. The population of the new States and Territories created out of the public domain increased between 1800 and 1830 from less than 60,000 to upward of 2,300,000 souls, constituting at the latter period about one-fifth of the whole people of the United States. The increase since can not be accurately known, but the whole may now be safely estimated at over three and a half millions of souls, composing nine States, the representatives of which constitute above one-third of the Senate and over one-sixth of the House of Representatives of the United States.

Thus has been formed a body of free and independent landholders with a rapidity unequaled in the history of mankind; and this great result has been produced without leaving anything for future adjustment between the Government and its citizens. The system under which so much has been accomplished can not be intrinsically bad, and with occasional modifications to correct abuses and adapt it to changes of circumstances may, I think, be safely trusted for the future. There is in the management of such extensive interests much virtue in stability; and although great and obvious improvements should not be declined.

changes should never be made without the fullest examination and the clearest demonstration of their practical utility. In the history of the past we have an assurance that this safe rule of action will not be departed from in relation to the public lands; nor is it believed that any necessity exists for interfering with the fundamental principles of the system, or that the public mind, even in the new States, is desirous of any radical alterations. On the contrary, the general disposition appears to be to make such modifications and additions only as will the more effectually carry out the original policy of filling our new States and Territories with an industrious and independent population.

The modification most perseveringly pressed upon Congress, which has occupied so much of its time for years past, and will probably do so for a long time to come, if not sooner satisfactorily adjusted, is a reduction in the cost of such portions of the public lands as are ascertained to be unsalable at the rate now established by law, and a graduation according to their relative value of the prices at which they may hereafter be sold. It is worthy of consideration whether justice may not be done to every interest in this matter, and a vexed question set at rest, perhaps forever, by a reasonable compromise of conflicting opinions. Hitherto, after being offered at public sale, lands have been disposed of at one uniform price, whatever difference there might be in their intrinsic value. The leading considerations urged in favor of the measure referred to are that in almost all the land districts, and particularly in those in which the lands have been long surveyed and exposed to sale, there are still remaining numerous and large tracts of every gradation of value, from the Government price downward; that these lands will not be purchased at the Government price so long as better can be conveniently obtained for the same amount; that there are large tracts which even the improvements of the adjacent lands will never raise to that price, and that the present uniform price, combined with their irregular value, operates to prevent a desirable compactness of settlements in the new States and to retard the full development of that wise policy on which our land system is founded, to the injury not only of the several States where the lands lie, but of the United States as a whole.

The remedy proposed has been a reduction of the prices according to the length of time the lands have been in market, without reference to any other circumstances. The certainty that the efflux of time would not always in such cases, and perhaps not even generally, furnish a true criterion of value, and the probability that persons residing in the vicinity, as the period for the reduction of prices approached, would postpone purchases they would otherwise make, for the purpose of availing themselves of the lower price, with other considerations of a similar character, have hitherto been successfully urged to defeat the graduation upon time.

May not all reasonable desires upon this subject be satisfied without encountering any of these objections? All will concede the abstract

principle that the price of the public lands should be proportioned to their relative value, so far as can be accomplished without departing from the rule heretofore observed requiring fixed prices in cases of private entries. The difficulty of the subject seems to lie in the mode of ascertaining what that value is. Would not the safest plan be that which has been adopted by many of the States as the basis of taxation—an actual valuation of lands and classification of them into different rates? Would it not be practicable and expedient to cause the relative value of the public lands in the old districts which have been for a certain length of time in market to be appraised and classed into two or more rates below the present minimum price by the officers now employed in this branch of the public service or in any other mode deemed preferable, and to make those prices permanent if upon the coming in of the report they shall prove satisfactory to Congress? Could not all the objects of graduation be accomplished in this way, and the objections which have hitherto been urged against it avoided? It would seem to me that such a step, with a restriction of the sales to limited quantities and for actual improvement, would be free from all just exception.

By the full exposition of the value of the lands thus furnished and extensively promulgated persons living at a distance would be informed of their true condition and enabled to enter into competition with those residing in the vicinity; the means of acquiring an independent home would be brought within the reach of many who are unable to purchase at present prices; the population of the new States would be made more compact, and large tracts would be sold which would otherwise remain on hand. Not only would the land be brought within the means of a larger number of purchasers, but many persons possessed of greater means would be content to settle on a larger quantity of the poorer lands rather than emigrate farther west in pursuit of a smaller quantity of better lands. Such a measure would also seem to be more consistent with the policy of the existing laws—that of converting the public domain into cultivated farms owned by their occupants. That policy is not best promoted by sending emigration up the almost interminable streams of the West to occupy in groups the best spots of land, leaving immense wastes behind them and enlarging the frontier beyond the means of the Government to afford it adequate protection, but in encouraging it to occupy with reasonable denseness the territory over which it advances, and find its best defense in the compact front which it presents to the Indian tribes. Many of you will bring to the consideration of the subject the advantages of local knowledge and greater experience, and all will be desirous of making an early and final disposition of every disturbing question in regard to this important interest. If these suggestions shall in any degree contribute to the accomplishment of so important a result, it will afford me sincere satisfaction.

In some sections of the country most of the public lands have been

sold, and the registers and receivers have very little to do. It is a subject worthy of inquiry whether in many cases two or more districts may not be consolidated and the number of persons employed in this business considerably reduced. Indeed, the time will come when it will be the true policy of the General Government, as to some of the States, to transfer to them for a reasonable equivalent all the refuse and unsold lands and to withdraw the machinery of the Federal land offices altogether. All who take a comprehensive view of our federal system and believe that one of its greatest excellences consists in interfering as little as possible with the internal concerns of the States look forward with great interest to this result.

A modification of the existing laws in respect to the prices of the public lands might also have a favorable influence on the legislation of Congress in relation to another branch of the subject. Many who have not the ability to buy at present prices settle on those lands with the hope of acquiring from their cultivation the means of purchasing under preemption laws from time to time passed by Congress. For this encroachment on the rights of the United States they excuse themselves under the plea of their own necessities; the fact that they dispossess nobody and only enter upon the waste domain; that they give additional value to the public lands in their vicinity, and their intention ultimately to pay the Government price. So much weight has from time to time been attached to these considerations that Congress have passed laws giving actual settlers on the public lands a right of preemption to the tracts occupied by them at the minimum price. These laws have in all instances been retrospective in their operation, but in a few years after their passage crowds of new settlers have been found on the public lands for similar reasons and under like expectations, who have been indulged with the same privilege. This course of legislation tends to impair public respect for the laws of the country. Either the laws to prevent intrusion upon the public lands should be executed, or, if that should be impracticable or inexpedient, they should be modified or repealed. If the public lands are to be considered as open to be occupied by any, they should by law be thrown open to all. That which is intended in all instances to be legalized should at once be made legal, that those who are disposed to conform to the laws may enjoy at least equal privileges with those who are not. But it is not believed to be the disposition of Congress to open the public lands to occupancy without regular entry and payment of the Government price, as such a course must tend to worse evils than the credit system, which it was found necessary to abolish.

It would seem, therefore, to be the part of wisdom and sound policy to remove as far as practicable the causes which produce intrusions upon the public lands, and then take efficient steps to prevent them in future. Would any single measure be so effective in removing all plausible grounds for these intrusions as the graduation of price already sug-

gested? A short period of industry and economy in any part of our country would enable the poorest citizen to accumulate the means to buy him a home at the lower prices, and leave him without apology for settling on lands not his own. If he did not under such circumstances, he would enlist no sympathy in his favor, and the laws would be readily executed without doing violence to public opinion.

A large portion of our citizens have seated themselves on the public lands without authority since the passage of the last preemption law, and now ask the enactment of another to enable them to retain the lands occupied upon payment of the minimum Government price. They ask that which has been repeatedly granted before. If the future may be judged of by the past, little harm can be done to the interests of the Treasury by yielding to their request. Upon a critical examination it is found that the lands sold at the public sales since the introduction of cash payments, in 1820, have produced on an average the net revenue of only 6 cents an acre more than the minimum Government price. There is no reason to suppose that future sales will be more productive. The Government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy for the purpose of selling them to others.

Entertaining these views, I recommend the passage of a preemption law for their benefit in connection with the preparatory steps toward the graduation of the price of the public lands, and further and more effectual provisions to prevent intrusions hereafter. Indulgence to those who have settled on these lands with expectations that past legislation would be made a rule for the future, and at the same time removing the most plausible ground on which intrusions are excused and adopting more efficient means to prevent them hereafter, appears to me the most judicious disposition which can be made of this difficult subject. The limitations and restrictions to guard against abuses in the execution of a preemption law will necessarily attract the careful attention of Congress, but under no circumstances is it considered expedient to authorize floating claims in any shape. They have been heretofore, and doubtless would be hereafter, most prolific sources of fraud and oppression, and instead of operating to confer the favor of the Government on industrious settlers are often used only to minister to a spirit of cupidity at the expense of the most meritorious of that class.

The accompanying report of the Secretary of War will bring to your view the state of the Army and all the various subjects confided to the superintendence of that officer.

The principal part of the Army has been concentrated in Florida, with a view and in the expectation of bringing the war in that Territory to a speedy close. The necessity of stripping the posts on the maritime and inland frontiers of their entire garrisons for the purpose of assembling in the field an army of less than 4,000 men would seem to indicate the

necessity of increasing our regular forces; and the superior efficiency, as well as greatly diminished expense of that description of troops, recommend this measure as one of economy as well as of expediency. I refer to the report for the reasons which have induced the Secretary of War to urge the reorganization and enlargement of the staff of the Army, and of the Ordnance Corps, in which I fully concur.

It is not, however, compatible with the interests of the people to maintain in time of peace a regular force adequate to the defense of our extensive frontiers. In periods of danger and alarm we must rely principally upon a well-organized militia, and some general arrangement that will render this description of force more efficient has long been a subject of anxious solicitude. It was recommended to the First Congress by General Washington, and has been since frequently brought to your notice, and recently its importance strongly urged by my immediate predecessor. The provision in the Constitution that renders it necessary to adopt a uniform system of organization for the militia throughout the United States presents an insurmountable obstacle to an efficient arrangement by the classification heretofore proposed, and I invite your attention to the plan which will be submitted by the Secretary of War, for the organization of volunteer corps and the instruction of militia officers, as more simple and practicable, if not equally advantageous, as a general arrangement of the whole militia of the United States.

A moderate increase of the corps both of military and topographical engineers has been more than once recommended by my predecessor, and my conviction of the propriety, not to say necessity, of the measure, in order to enable them to perform the various and important duties imposed upon them, induces me to repeat the recommendation.

The Military Academy continues to answer all the purposes of its establishment, and not only furnishes well-educated officers to the Army, but serves to diffuse throughout the mass of our citizens individuals possessed of military knowledge and the scientific attainments of civil and military engineering. At present the cadet is bound, with consent of his parents or guardians, to remain in service five years from the period of his enlistment, unless sooner discharged, thus exacting only one year's service in the Army after his education is completed. This does not appear to me sufficient. Government ought to command for a longer period the services of those who are educated at the public expense, and I recommend that the time of enlistment be extended to seven years, and the terms of the engagement strictly enforced.

The creation of a national foundry for cannon, to be common to the service of the Army and Navy of the United States, has been heretofore recommended, and appears to be required in order to place our ordnance on an equal footing with that of other countries and to enable that branch of the service to control the prices of those articles and graduate the supplies to the wants of the Government, as well as to regulate their

UNITED STATES MILITARY ACADEMY AT WEST POINT, N. Y., 1840

UNITED STATES MILITARY ACADEMY

In 1776 a Committee of the Continental Congress recommended the formation of a military academy. Washington forced it upon the attention of Congress in his message of December 3, 1793, after it had been discussed in the Cabinet, where Jefferson opposed it on the ground that it was unconstitutional. In 1794 Congress made a feeble start by authorizing a corps of artillerists and engineers to which 32 cadets were to be attached. In 1798 Congress made another effort and raised the number of cadets to 56. Provision was made for books, instruments and four instructors, but no location was designated. Finally, March 16, 1801, the artillerists and engineers were made a district corps, with 50 cadets, and were settled permanently at West Point, N. Y. In April, 1812, the academy was reorganized, with a capacity of 260 cadets, and the curriculum was extended on the broad lines of a university.

At the time when the engraving here reproduced was made, the military academy numbered among its gray-clad cadets the future generals of the Civil War, some destined to suffer and fail nobly in gray, and some to wear the blue through defeat to victory.

In the index (volume eleven) a portion of the article "War Department" is given over to the history of the military academy. Presidential references to the institution are cited under the heading "Military Academy."

quality and insure their uniformity. The same reasons induce me to recommend the erection of a manufactory of gunpowder, to be under the direction of the Ordnance Office. The establishment of a manufactory of small arms west of the Alleghany Mountains, upon the plan proposed by the Secretary of War, will contribute to extend throughout that country the improvements which exist in establishments of a similar description in the Atlantic States, and tend to a much more economical distribution of the armament required in the western portion of our Union.

The system of removing the Indians west of the Mississippi, commenced by Mr. Jefferson in 1804, has been steadily persevered in by every succeeding President, and may be considered the settled policy of the country. Unconnected at first with any well-defined system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the West; but when the beneficial effects of their removal were made apparent a more philanthropic and enlightened policy was adopted in purchasing their lands east of the Mississippi. Liberal prices were given and provisions inserted in all the treaties with them for the application of the funds they received in exchange to such purposes as were best calculated to promote their present welfare and advance their future civilization. These measures have been attended thus far with the happiest results.

It will be seen by referring to the report of the Commissioner of Indian Affairs that the most sanguine expectations of the friends and promoters of this system have been realized. The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi have for the most part abandoned the hunter state and become cultivators of the soil. The improvement in their condition has been rapid, and it is believed that they are now fitted to enjoy the advantages of a simple form of government, which has been submitted to them and received their sanction; and I can not too strongly urge this subject upon the attention of Congress.

Stipulations have been made with all the Indian tribes to remove them beyond the Mississippi, except with the bands of the Wyandots, the Six Nations in New York, the Menomonees, Munsees, and Stockbridges in Wisconsin, and Miamies in Indiana. With all but the Menomonees it is expected that arrangements for their emigration will be completed the present year. The resistance which has been opposed to their removal by some of the tribes even after treaties had been made with them to that effect has arisen from various causes, operating differently on each of them. In most instances they have been instigated to resistance by persons to whom the trade with them and the acquisition of their annuities were important, and in some by the personal influence of interested chiefs. These obstacles must be overcome, for the Government can not relinquish the execution of this policy without sacrificing important interests and abandoning the tribes remaining east of the Mississippi to certain destruction.

The decrease in numbers of the tribes within the limits of the States and Territories has been most rapid. If they be removed, they can be protected from those associations and evil practices which exert so pernicious and destructive an influence over their destinies. They can be induced to labor and to acquire property, and its acquisition will inspire them with a feeling of independence. Their minds can be cultivated, and they can be taught the value of salutary and uniform laws and be made sensible of the blessings of free government and capable of enjoying its advantages. In the possession of property, knowledge, and a good government, free to give what direction they please to their labor, and sharers in the legislation by which their persons and the profits of their industry are to be protected and secured, they will have an ever-present conviction of the importance of union and peace among themselves and of the preservation of amicable relations with us. The interests of the United States would also be greatly promoted by freeing the relations between the General and State Governments from what has proved a most embarrassing incumbrance by a satisfactory adjustment of conflicting titles to lands caused by the occupation of the Indians, and by causing the resources of the whole country to be developed by the power of the State and General Governments and improved by the enterprise of a white population.

Intimately connected with this subject is the obligation of the Government to fulfill its treaty stipulations and to protect the Indians thus assembled "at their new residences from all interruptions and disturbances from any other tribes or nations of Indians or from any other person or persons whatsoever," and the equally solemn obligation to guard from Indian hostility its own border settlements, stretching along a line of more than 1,000 miles. To enable the Government to redeem this pledge to the Indians and to afford adequate protection to its own citizens will require the continual presence of a considerable regular force on the frontiers and the establishment of a chain of permanent posts. Examinations of the country are now making, with a view to decide on the most suitable points for the erection of fortresses and other works of defense, the results of which will be presented to you by the Secretary of War at an early day, together with a plan for the effectual protection of the friendly Indians and the permanent defense of the frontier States.

By the report of the Secretary of the Navy herewith communicated it appears that unremitted exertions have been made at the different navy-yards to carry into effect all authorized measures for the extension and employment of our naval force. The launching and preparation of the ship of the line *Pennsylvania* and the complete repairs of the ships of the line *Ohio*, *Delaware*, and *Columbus* may be noticed as forming a respectable addition to this important arm of our national defense. Our commerce and navigation have received increased aid and protection

during the present year. Our squadrons in the Pacific and on the Brazilian station have been much increased, and that in the Mediterranean, although small, is adequate to the present wants of our commerce in that sea. Additions have been made to our squadron on the West India station, where the large force under Commodore Dallas has been most actively and efficiently employed in protecting our commerce, in preventing the importation of slaves, and in cooperating with the officers of the Army in carrying on the war in Florida.

The satisfactory condition of our naval force abroad leaves at our disposal the means of conveniently providing for a home squadron for the protection of commerce upon our extensive coast. The amount of appropriations required for such a squadron will be found in the general estimates for the naval service for the year 1838.

The naval officers engaged upon our coast survey have rendered important service to our navigation. The discovery of a new channel into the harbor of New York, through which our largest ships may pass without danger, must afford important commercial advantages to that harbor and add greatly to its value as a naval station. The accurate survey of Georges Shoals, off the coast of Massachusetts, lately completed, will render comparatively safe a navigation hitherto considered dangerous.

Considerable additions have been made to the number of captains, commanders, lieutenants, surgeons, and assistant surgeons in the Navy. These additions were rendered necessary by the increased number of vessels put in commission to answer the exigencies of our growing commerce.

Your attention is respectfully invited to the various suggestions of the Secretary for the improvement of the naval service.

The report of the Postmaster-General exhibits the progress and condition of the mail service. The operations of the Post-Office Department constitute one of the most active elements of our national prosperity, and it is gratifying to observe with what vigor they are conducted. The mail routes of the United States cover an extent of about 142,877 miles, having been increased about 37,103 miles within the last two years. The annual mail transportation on these routes is about 36,228,962 miles, having been increased about 10,359,476 miles within the same period. The number of post-offices has also been increased from 10,770 to 12,099, very few of which receive the mails less than once a week, and a large portion of them daily. Contractors and postmasters in general are represented as attending to their duties with most commendable zeal and fidelity. The revenue of the Department within the year ending on the 30th of June last was $4,137,056.59, and its liabilities accruing within the same time were $3,380,847.75. The increase of revenue over that of the preceding year was $708,166.41.

For many interesting details I refer you to the report of the Postmaster-General, with the accompanying papers. Your particular attention is

invited to the necessity of providing a more safe and convenient building for the accommodation of that Department.

I lay before Congress copies of reports submitted in pursuance of a call made by me upon the heads of Departments for such suggestions as their experience might enable them to make as to what further legislative provisions may be advantageously adopted to secure the faithful application of public moneys to the objects for which they are appropriated, to prevent their misapplication or embezzlement by those intrusted with the expenditure of them, and generally to increase the security of the Government against losses in their disbursement. It is needless to dilate on the importance of providing such new safeguards as are within the power of legislation to promote these ends, and I have little to add to the recommendations submitted in the accompanying papers.

By law the terms of service of our most important collecting and disbursing officers in the civil departments are limited to four years, and when reappointed their bonds are required to be renewed. The safety of the public is much increased by this feature of the law, and there can be no doubt that its application to all officers intrusted with the collection or disbursement of the public money, whatever may be the tenure of their offices, would be equally beneficial. I therefore recommend, in addition to such of the suggestions presented by the heads of Departments as you may think useful, a general provision that all officers of the Army or Navy, or in the civil departments, intrusted with the receipt or payment of public money, and whose term of service is either unlimited or for a longer time than four years, be required to give new bonds, with good and sufficient sureties, at the expiration of every such period.

A change in the period of terminating the fiscal year, from the 1st of October to the 1st of April, has been frequently recommended, and appears to be desirable.

The distressing casualties in steamboats which have so frequently happened during the year seem to evince the necessity of attempting to prevent them by means of severe provisions connected with their custom-house papers. This subject was submitted to the attention of Congress by the Secretary of the Treasury in his last annual report, and will be again noticed at the present session, with additional details. It will doubtless receive that early and careful consideration which its pressing importance appears to require.

Your attention has heretofore been frequently called to the affairs of the District of Columbia, and I should not again ask it did not their entire dependence on Congress give them a constant claim upon its notice. Separated by the Constitution from the rest of the Union, limited in extent, and aided by no legislature of its own, it would seem to be a spot where a wise and uniform system of local government might have been easily adopted. This District has, however, unfortunately been left to linger behind the rest of the Union. Its codes, civil and

criminal, are not only very defective, but full of obsolete or inconvenient provisions. Being formed of portions of two States, discrepancies in the laws prevail in different parts of the territory, small as it is; and although it was selected as the seat of the General Government, the site of its public edifices, the depository of its archives, and the residence of officers intrusted with large amounts of public property and the management of public business, yet it has never been subjected to or received that special and comprehensive legislation which these circumstances peculiarly demand. I am well aware of the various subjects of greater magnitude and immediate interest that press themselves on the consideration of Congress, but I believe there is not one that appeals more directly to its justice than a liberal and even generous attention to the interests of the District of Columbia and a thorough and careful revision of its local government.

M. VAN BUREN.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1837.*

To the Senate and House of Representatives of the United States:

I transmit herewith a report from the Secretary of the Treasury, exhibiting a transfer of appropriation that has been made in that Department in pursuance of the power vested in the President by the first section of the act of Congress of the 3d of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments."

M. VAN BUREN.

WASHINGTON, *December, 1837.*

To the Senate:

I transmit, for the action of the Senate, treaties negotiated with the following Indian tribes, viz:

(1) The Chippewas of the Mississippi; (2) the Kioways, Ka-ta-kas, and Ta-wa-ka-ros; (3) the Sioux of the Mississippi; (4) the Sacs and Foxes of the Mississippi; (5) the Sioux of the Missouri; (6) the Sacs and Foxes of the Missouri; (7) the Winnebagoes; (8) the Ioways.

M. VAN BUREN.

WASHINGTON, *December 11, 1837.*

To the Senate of the United States:

I herewith transmit to the Senate a report* from the Secretary of State, with accompanying documents, in pursuance of their resolution of the 12th of October last.

M. VAN BUREN.

* Relating to the capture and sequestration of the ship *Mary*, of Baltimore, and her cargo by the Dutch Government at the island of Curaçoa in 1800.

WASHINGTON, *December, 1837.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 13th of October last, relative to claims of citizens of the United States on the Government of the Mexican Republic, I transmit a report from the Secretary of State and the documents by which it was accompanied.

M. VAN BUREN.

WASHINGTON, *December 15, 1837.*

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War and the plans for marine hospitals on the Western waters, referred to by him, which are connected with the annual report from the War Department.

M. VAN BUREN.

WASHINGTON, *December 18, 1837.*

To the Senate of the United States:

I transmit herewith a report and accompanying documents* from the Secretary of War, which contain the information called for by a resolution of the 13th of October last.

M. VAN BUREN.

WASHINGTON, *December 21, 1837.*

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the last session, I transmit a report made to me by the architect of the public buildings, with the accompanying documents, exhibiting a plan of the Treasury building now in process of erection, showing its location in reference to the adjacent streets and public square on which it is located, its elevation, the number and size of the rooms it will afford suitable for office business and the number and size of those suitable only for the deposit of records, with a statement of the sum expended on said building and an estimate of the sum that will be required to complete the same. As the fifth section of the act of July 4, 1836, under the authority of which this building has been commenced, provides only for the erection of an edifice of such dimensions as may be required for the present and future accommodation of the Treasury Department, the size of the structure has been adapted to that purpose; and it is not contemplated to appropriate any part of the building to the use of any other Department. As it is understood, however, that the plan of the edifice admits of its

*Relating to adjustment of claims to reservations of land under the fourteenth article of the treaty of 1830 with the Choctaw Indians.

being completed either with or without wings, and that if Congress should think proper accommodation may be provided by means of wings consistently with the harmony of the original design for the Department of State and the General Post-Office, it is not thought that the public interest requires any change in the location or plan, although it is believed that the convenience of the public business would be promoted by including in the building the proposed accommodations for the two other Departments just mentioned. The report of the architect shows the supposed difference of the expense that would be incurred in the event of the construction of the building with wings, in taking down the edifice now occupied by the Department of State, or repairing it so as to render it fireproof and make its outside conform to the other parts of the new building.

I also transmit statements from the heads of the several Departments of the number and size of the rooms that are necessary for their respective Departments for office business and for the deposit of records.

M. VAN BUREN.

WASHINGTON, *December 22, 1837.*

To the Senate of the United States:

I herewith transmit to the Senate a report from the Secretary of State, in answer to their resolution of the 16th of October last.

M. VAN BUREN.

DEPARTMENT OF STATE,
Washington, December 22, 1837.

THE PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the Senate of the 16th of October last, requesting the President of the United States to communicate to that body "at the next session of Congress (if not inconsistent with the public interest) any correspondence between the Government of the United States and any foreign government relative to the occupation of the territory of the United States west of the Rocky Mountains and bordering on the Pacific Ocean, and whether any, and, if so, what, portion of the said territory is in the possession of any foreign power," has the honor to report to the President that no correspondence between this and any foreign government on the subject referred to has passed since the negotiation of the existing convention of 1827 with Great Britain, by which the provisions of the third article of the convention of the 20th of October, 1818, with His Britannic Majesty, leaving the territory claimed by either power westward of the Rocky Mountains free and open to the citizens and subjects of both, were extended and continued in force indefinitely, but liable to be annulled at the will of either party, on due notice of twelve months, at any time after the 20th of October, 1828, and that the papers relating to the negotiation to which allusion has just been made were communicated to the Senate in confidence in the early part of the first session of the Twentieth Congress.

With regard to the second clause of the resolution above cited, the Secretary has to state that the trading establishment called "Astoria," at the mouth of the Columbia River, formerly belonging to John Jacob Astor, of New York, was sold to, and therefore left in the possession of, the British Northwest Company, which subsequently united with the British Hudson Bay Company; that this company has now several

depots in the country, the principal of which is at Fort Vancouver, on the north bank of the Columbia River, and about 80 or 100 miles from its mouth. It appears that these posts have not been considered as being in contravention of the third article of the convention of 1818, before referred to; and if not, there is no portion of the territory claimed by the United States west of the Stony Mountains known to be in the exclusive possession of a foreign power. It is known, by information recently obtained, that the English company have a steamboat on the Columbia, and have erected a sawmill and are cutting timber on the territory claimed by the United States, and shipping it in considerable quantities to the Sandwich Islands.

Respectfully submitted.

JOHN FORSYTH.

WASHINGTON, *December 26, 1837.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, in answer to their resolution of the 9th of October last.

M. VAN BUREN.

DEPARTMENT OF STATE,
Washington, December 23, 1837.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 9th of October last, requesting the President to communicate to that House "at its next session, so far as in his judgment is consistent with the public interest, whether any foreign power, or the subjects of any foreign power, have possession of any portion of the territory of the United States on the Columbia River, or are in the occupancy of the same, and, if so, in what way, by what authority, and how long such possession or occupancy has been kept by such persons," has the honor to report to the President that a trading establishment called "Astoria" was founded at the mouth of the Columbia River about the year 1811 by J. J. Astor, of New York; that his interest was sold to the British Northwest Company during the late war between the United States and Great Britain; that this company held it, and were left in possession at the time the country was formally delivered to the American commissioners, and that this company afterwards united with and became a part of the Hudson Bay Company under that name, which company, it is believed, have from the period of such union occupied the post in question, now commonly called "Fort George." The Hudson Bay Company have also several depots situated on water courses in the interior of the country. The principal one is at Fort Vancouver, on the northern bank of the Columbia River, about 80 or 100 miles from its mouth. It is known by information recently obtained that the English company have a steamboat on this river, and that they have erected a sawmill and are cutting timber on the territory claimed by the United States, and are shipping it in considerable quantities to the Sandwich Islands.

The original occupation was under the authority of the purchase of J. J. Astor's interest, and it has been continued under the provisions of the conventions of 1818 and 1827 with Great Britain. By the third article of the first of these conventions it is stipulated that the territory claimed by either power westward of the Rocky Mountains shall be free and open for a term of years to the citizens and subjects of both. By the second convention this stipulation is extended and continued in force indefinitely, liable, however, to be annulled at any time after the 20th of October, 1828, at the will of either party, on due notice of twelve months.

Respectfully submitted.

JOHN FORSYTH.

WASHINGTON, *January 5, 1838.*

To the Senate and House of Representatives of the United States:

Recent experience on the southern boundary of the United States and the events now daily occurring on our northern frontier have abundantly shown that the existing laws are insufficient to guard against hostile invasion from the United States of the territory of friendly and neighboring nations.

The laws in force provide sufficient penalties for the punishment of such offenses after they have been committed, and provided the parties can be found, but the Executive is powerless in many cases to prevent the commission of them, even when in possession of ample evidence of an intention on the part of evil-disposed persons to violate our laws.

Your attention is called to this defect in our legislation. It is apparent that the Executive ought to be clothed with adequate power effectually to restrain all persons within our jurisdiction from the commission of acts of this character. They tend to disturb the peace of the country and inevitably involve the Government in perplexing controversies with foreign powers. I recommend a careful revision of all the laws now in force and such additional enactments as may be necessary to vest in the Executive full power to prevent injuries being inflicted upon neighboring nations by the unauthorized and unlawful acts of citizens of the United States or of other persons who may be within our jurisdiction and subject to our control.

In illustration of these views and to show the necessity of early action on the part of Congress, I submit herewith a copy of a letter received from the marshal of the northern district of New York, who had been directed to repair to the frontier and take all authorized measures to secure the faithful execution of existing laws.

M. VAN BUREN.

BUFFALO, *December 28, 1837.*

His Excellency M. VAN BUREN.

SIR: This frontier is in a state of commotion. I came to this city on the 22d instant, by direction of the United States attorney for the northern district of this State, for the purpose of serving process upon individuals suspected of violating the laws of the United States enacted with a view to maintain our neutrality. I learned on my arrival that some 200 or 300 men, mostly from the district of country adjoining this frontier and from this side of the Niagara, had congregated upon Navy Island (Upper Canada), and were there in arms, with Rensselaer van Rensselaer, of Albany, at their head as commander in chief. From that time to the present they have received constant accessions of men, munitions of war, provisions, etc., from persons residing within the States. Their whole force is now about 1,000 strong, and, as is said, are well supplied with arms, etc.

Warrants have been issued in some cases, but no arrests have as yet been effected. This expedition was got up in this city soon after McKenzie's arrival upon this side of the river, and the first company that landed upon the island were organized, partially at least, before they crossed from this side to the island.

From all that I can see and learn I am satisfied that if the Government deem it their duty to prevent supplies being furnished from this side to the army on the island, and also the augmentation of their forces from among the citizens of the States, that an armed force stationed along upon the line of the Niagara will be absolutely necessary to its accomplishment.

I have just received a communication from Colonel McNab, commanding His Majesty's forces now at Chippewa, in which he strongly urges the public authorities here to prevent supplies being furnished to the army on the island, at the same time stating that if this can be effected the whole affair could be closed without any effusion of blood.

McNab is about 2,500 strong and constantly increasing. I replied to him that I should communicate with you immediately, as also with the governor of this State, and that everything which could would be done to maintain a strict neutrality.

I learn that persons here are engaged in dislodging one or more steamboats from the ice, and, as is supposed, with a view to aid in the patriot expedition.

I am, sir, with great consideration, your obedient servant,

N. GANON,
United States Marshal, Northern District of New York.

WASHINGTON, *January 8, 1838.*

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 5th instant, respecting the capture* and restoration of the Mexican brig of war the *General Urrea*, I transmit reports from the Secretaries of State and the Navy.

M. VAN BUREN.

WASHINGTON, *January 8, 1838.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report,† and accompanying documents, from the Secretary of State, in compliance with a resolution of that body dated the 5th instant.

M. VAN BUREN.

WASHINGTON, *January 8, 1838.*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, in answer to a resolution‡ of that body dated the 5th instant.

M. VAN BUREN.

*By the United States sloop of war *Natchez* off the coast of Texas.

†Transmitting instructions and correspondence concerning the preservation of the neutrality of the United States in the civil wars and insurrections in Mexico and in any of the British Provinces north of the United States since 1829.

‡Calling for information of any acts endangering the amicable relations with Great Britain.

WASHINGTON, *January 8, 1838.*

To the Senate and House of Representatives of the United States:

In the highly excited state of feeling on the northern frontier, occasioned by the disturbances in Canada, it was to be apprehended that causes of complaint might arise on the line dividing the United States from Her Britannic Majesty's dominions. Every precaution was therefore taken on our part authorized by the existing laws, and as the troops of the Provinces were embodied on the Canadian side it was hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you that an outrage of a most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighborhood and on the whole border line, and that the excitement previously existing has been alarmingly increased. To guard against the possible recurrence of any similar act I have thought it indispensable to call out a portion of the militia, to be posted on that frontier. The documents herewith presented to Congress show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity for resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British minister accredited to this country, and the proper steps taken on our part to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

M. VAN BUREN.

Mr. Rogers to the President.

BUFFALO, *December 30, 1837.*

His Excellency MARTIN VAN BUREN,
President of the United States.

SIR: Inclosed are copies of affidavits which I have prepared in great haste, and which contain all that is material in relation to the gross and extraordinary transaction to which they relate. Our whole frontier is in commotion, and I fear it will be difficult to restrain our citizens from revenging by a resort to arms this flagrant invasion of our territory. Everything that can be done will be by the public authorities to prevent so injudicious a movement. The respective sheriffs of Erie and Niagara have taken the responsibility of calling out the militia to guard the frontier and prevent any further depredations.

I am, sir, with great consideration, your obedient servant,

H. W. ROGERS,
District Attorney for Erie County, and Acting for the United States.

STATE OF NEW YORK, *Niagara County, ss:*

Gilman Appleby, of the city of Buffalo, being sworn, says that he left the port of Buffalo on the morning of the 29th instant in the steamboat *Caroline*, owned by William Wells, of Buffalo, and bound for Schlosser, upon the east side of the Niagara

River and within the United States; that this deponent commanded the said *Caroline*, and that she was cleared from Buffalo with a view to run between said Buffalo and Schlosser, carrying passengers, freight, etc.; that this deponent caused the said *Caroline* to be landed at Black Rock on her way down, and that while at Black Rock this deponent caused the American flag to be run up, and that soon after leaving Black Rock Harbor a volley of musketry was discharged at the *Caroline* from the Canada shore, but without injury; that the said *Caroline* continued her course down the Niagara River unmolested and landed outside of certain scows or boats attached to Navy Island, where a number of passengers disembarked and, as this deponent supposes, certain articles of freight were landed; that from this point the *Caroline* ran to Schlosser, arriving there at 3 o'clock in the afternoon; that between this time and dark the *Caroline* made two trips to Navy Island, landing as before; that at about 6 o'clock in the evening this deponent caused the said *Caroline* to be landed at Schlosser and made fast with chains to the dock at that place; that the crew and officers of the *Caroline* numbered ten, and that in the course of the evening twenty-three individuals, all of whom were citizens of the United States, came on board of the *Caroline* and requested this deponent and other officers of the boat to permit them to remain on board during the night, as they were unable to get lodgings at the tavern near by; these requests were acceded to, and the persons thus coming on board retired to rest, as did also the crew and officers of the *Caroline*, except such as were stationed to watch during the night; that about midnight this deponent was informed by one of the watch that several boats filled with men were making toward the *Caroline* from the river, and this deponent immediately gave the alarm, and before he was able to reach the dock the *Caroline* was boarded by some seventy or eighty men, all of whom were armed; that they immediately commenced a warfare with muskets, swords, and cutlasses upon the defenseless crew and passengers of the *Caroline* under a fierce cry of "G—d d—n them, give them no quarters; kill every man. Fire! fire!"; that the *Caroline* was abandoned without resistance, and the only effort made by either the crew or passengers seemed to be to escape slaughter; that this deponent narrowly escaped, having received several wounds, none of which, however, are of a serious character; that immediately after the *Caroline* fell into the hands of the armed force who boarded her she was set on fire, cut loose from the dock, was towed into the current of the river, there abandoned, and soon after descended the Niagara Falls; that this deponent has made vigilant search after the individuals, thirty-three in number, who are known to have been on the *Caroline* at the time she was boarded, and twenty-one only are to be found, one of which, to wit, Amos Durfee, of Buffalo, was found dead upon the dock, having received a shot from a musket, the ball of which penetrated the back part of the head and came out at the forehead; James H. King and Captain C. F. Harding were seriously though not mortally wounded; several others received slight wounds; the twelve individuals who are missing, this deponent has no doubt, were either murdered upon the steamboat or found a watery grave in the cataract of the Falls; and this deponent further says that immediately after the *Caroline* was got into the current of the stream and abandoned, as before stated, beacon lights were discovered upon the Canada shore near Chippewa, and after sufficient time had elapsed to enable the boats to reach that shore this deponent distinctly heard loud and vociferous cheering at that point; that this deponent has no doubt that the individuals who boarded the *Caroline* were a part of the British forces now stationed at Chippewa.

[Subscribed and sworn to before a commissioner, etc.]

STATE OF NEW YORK, *Niagara County, ss:*

Charles F. Harding, James H. King, Joshua H. Smith, William Seaman, William Kennedy, William Wells, John Leonard, Sylvanus Staring, and John Haggarty, being sworn, severally depose and say that they have heard the foregoing affidavit

of Gilman Appleby read; that they were on the *Caroline* at the time she was boarded as stated in said affidavit, and that all the facts sworn to by said Appleby as occurring after the said *Caroline* was so boarded as aforesaid are correct and true.

[Subscribed and sworn to before a commissioner, etc.]

Mr. Poinsett to General Scott.

DEPARTMENT OF WAR, *January 5, 1838.*

Brevet Major-General WINFIELD SCOTT,
Washington City.

SIR: You will repair without delay to the Canada frontier of the United States and assume the military command there.

Herewith you will receive duplicate letters to the governors of the States of New York and Vermont, requesting them to call into the service of the United States such a militia force as you may deem necessary for the defense of that frontier of the United States.

This power has been confided to you in the full persuasion that you will use it discreetly and extend the call only so far as circumstances may seem to require.

It is important that the troops called into the service should be, if possible, exempt from that state of excitement which the late violation of our territory has created, and you will therefore impress upon the governors of these border States the propriety of selecting troops from a portion of the State distant from the theater of action.

The Executive possesses no legal authority to employ the military force to restrain persons within our jurisdiction and who ought to be under our control from violating the laws by making incursions into the territory of neighboring and friendly nations with hostile intent. I can give you, therefore, no instructions on that subject, but request that you will use your influence to prevent such excesses and to preserve the character of this Government for good faith and a proper regard for the rights of friendly powers.

The militia will be called into the service for three months, unless sooner discharged, and in your requisitions you will designate the number of men and take care that the officers do not exceed a due proportion.

It is deemed important that the administrative branch of the service should be conducted wherever practicable by officers of the Regular Army.

The disposition of the force with regard to the points to be occupied is confided to your discretion, military skill, and intimate knowledge of the country; and the amount of that force must depend upon the character and duration of the contest now going on in Canada and the disposition manifested by the people and the public authorities of that colony.

The President indulges a hope that outrages similar to that which lately occurred at Schlosser will not be repeated, and that you will be able to maintain the peace of that frontier without being called upon to use the force which has been confided to you.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Mr. Poinsett to Governor Marcy.

DEPARTMENT OF WAR, *January 5, 1838.*

His Excellency W. L. MARCY,
Governor of New York, Albany, N. Y.

SIR: The territory of the United States having been violated by a party of armed men from the Canada shore, and apprehensions being entertained from the highly excited feelings of both parties that similar outrages may lead to an invasion of our

soil, the President has thought proper to exercise the authority vested in him by law and call out such militia force as may be deemed necessary to protect the frontiers of the United States.

I am, in consequence, instructed by the President to request you will call into the service of the United States and place under the command of Brevet Major-General Scott such militia force as he may require, to be employed on the Canada frontier for the purpose herein set forth.

Very respectfully, your most obedient servant,

J. R. POINSETT.

[Same to His Excellency Silas H. Jennison, governor of Vermont, Montpelier, Vt.]

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, January 5, 1838.

HENRY S. FOX, Esq., etc.

SIR: By the direction of the President of the United States I have the honor to communicate to you a copy of the evidence furnished to this Department of an extraordinary outrage committed from Her Britannic Majesty's Province of Upper Canada on the persons and property of citizens of the United States within the jurisdiction of the State of New York. The destruction of the property and assassination of citizens of the United States on the soil of New York at the moment when, as is well known to you, the President was anxiously endeavoring to allay the excitement and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon Her Majesty's Government. This communication is made to you under the expectation that through your instrumentality an early explanation may be obtained from the authorities of Upper Canada of all the circumstances of the transaction, and that by your advice to those authorities such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible. Not doubting the disposition of the government of Upper Canada to do its duty in punishing the aggressors and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character, and to make known to you that if it should occur he can not be answerable for the effects of the indignation of the neighboring people of the United States.

I take this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

WASHINGTON, *January 12, 1838.*

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a representation from a late grand jury of the county of Washington, in this District, concurred in by two of the judges of the circuit court, of the necessity of the erection of a new jail and a lunatic asylum in this city. I also transmit copies of certain proceedings of the circuit court for the county of Alexandria at the last October term, and of a representation of the grand jury, made with the approbation of the court, showing the unsafe condition of the court-house of that county and the necessity for a new one.

I recommend these objects to the favorable consideration of Congress.

M. VAN BUREN.

WASHINGTON, *January 12, 1838.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In answer to a resolution of the House of Representatives of the 2d instant, I transmit herewith a report* of the Secretary of War, explanatory of the causes which have prevented a compliance with a resolution of that branch of Congress of February 24, 1837.

M. VAN BUREN.

To the Senate: WASHINGTON, *January 13, 1838.*

I transmit to the Senate, for its constitutional action, a treaty made with the Chippewa Indians of Saganaw on the 20th of December, 1837.

M. VAN BUREN.

WASHINGTON, *January 26, 1838.*

To the House of Representatives of the United States:

I herewith communicate to the House of Representatives a report from the Secretary of State, with accompanying documents, in answer to their resolution of the 9th instant.

M. VAN BUREN.

DEPARTMENT OF STATE,
Washington, January 25, 1838.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred a resolution of the House of Representatives, dated the 9th instant, requesting the President to communicate to that body "what measures, if any, have been taken by the Executive for the release of Mr. Greely, a citizen of Maine, now imprisoned in the provincial jail of New Brunswick at Frederickton for an alleged violation of the jurisdiction of said Province over the territory claimed by the British Government; and also to communicate any correspondence which the executive department may have had with the British Government or the executive of Maine upon the subject of said Greely's imprisonment, so far as a communication of the same may be deemed by him not incompatible with the public interest;" and likewise requesting the President, if not incompatible with the public interests, to communicate to that House "any correspondence or communication held between the Government of the United States and that of Great Britain at different times respecting the wardenship, occupation, or actual possession of that part of the territory of the State of Maine which is claimed by Great Britain," has the honor to report to the President the accompanying documents, which embrace the information and correspondence not heretofore published by Congress called for by the above-cited resolution.

Respectfully submitted. JOHN FORSYTH.

The governor of Maine to the President of the United States.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
September 18, 1837.

His Excellency MARTIN VAN BUREN,
President of the United States.

SIR: I lose no time in advising Your Excellency that Ebenezer S. Greely, esq., a citizen of this State, while employed within its limits and under its authority in taking an enumeration of the inhabitants of the county of Penobscot residing north

*Relating to alleged frauds upon the Creek Indians in the sale and purchase of their lands, etc.

of the surveyed and located townships, has been arrested a second time by the provincial authorities of New Brunswick, and is now in confinement in the jail of Frederickton.

It becomes my duty to request that prompt measures be adopted by the Government of the United States to effect the release of Mr. Greely.

I have the honor to be, etc.,

ROBERT P. DUNLAP.

Mr. Forsyth to Mr. Dunlap.

DEPARTMENT OF STATE,
Washington, September 26, 1837.

His Excellency ROBERT P. DUNLAP,
Governor of Maine.

SIR: I have the honor, by direction of the President, to acknowledge the receipt of the letter addressed to him by your excellency on the 18th instant, advising him that Ebenezer S. Greely, esq., a citizen of Maine, while employed within its limits and under its authority in taking an enumeration of the inhabitants of the county of Penobscot, has been arrested a second time by the provincial authorities of New Brunswick, and is now in confinement in the jail at Frederickton; and requesting that prompt measures be adopted by the Government of the United States to effect the release of Mr. Greely.

I hasten to assure you in reply that Mr. Stevenson, the minister of the United States at London, will be immediately instructed to renew his application to the British Government for the release of Mr. Greely, and that the result, when obtained and communicated to this Department, will be made known to your excellency without unnecessary delay.

Information was given at an early day to the executive of Maine of the informal arrangement between the United States and Great Britain in regard to the exercise of jurisdiction within the disputed territory, and the President's desire was then expressed that the government and people of that State would cooperate with the Federal Government in carrying it into effect. In the letter addressed to your excellency from this Department on the 17th ultimo you were informed of the continuance of that arrangement and of the reasons for it. I am now instructed by the President (who indulges the confident expectation that the executive of Maine will still see in the gravity of the interests involved a sufficient motive for his cordial concurrence in an arrangement which offers the best prospect of an amicable and satisfactory adjustment of the general question of boundary) to request your excellency's cooperation in the conciliatory course adopted by the two Governments, an adherence to which seems the more important at this time from the consideration that an answer to the President's last proposition is daily looked for, and to renew to you the assurance that no efforts shall be spared on his part to bring the negotiation to a speedy conclusion.

I have the honor to be, etc.,

JOHN FORSYTH.

Mr. Forsyth to Mr. Stevenson.

[Extract.]

DEPARTMENT OF STATE,
Washington, July 12, 1837.

ANDREW STEVENSON, Esq., etc.

SIR: I inclose an extract* of a letter received at this Department from the governor of Maine, by which you will perceive that a citizen of that State, named Ebenezer S. Greely, while employed, in virtue of an appointment under one of its laws, in making an enumeration of the inhabitants upon a part of the territory claimed as being within the limits of the State, was seized by order of the authorities of the Province of New Brunswick on the 6th of June last and imprisoned in the public jail of

*Omitted.

Frederickton, where he still remains. I also transmit a copy of sundry documents relating to his arrest and detention.* This outrage upon the personal liberty of one of its citizens has actually caused great excitement in Maine, and has produced an urgent appeal to the General Government for its intervention in procuring redress for what is considered an unprovoked and unjustifiable aggression. This arrest was made on a part of the territory in dispute between the United States and Great Britain, and could only have been justified in the existing state of that controversy by some plain infringement of the understanding which exists between the parties, that until the settlement of the question of right there shall be no extension of jurisdiction on either side within the disputed limits. It is not perceived how the simple enumeration of the inhabitants, about which Mr. Greely was employed, could be construed as a breach of that understanding, and it is expected that the Government of Great Britain will promptly mark its disapproval of this act of violence committed by the provincial authorities, so inconsistent with those amicable feelings under which the negotiation respecting the controverted boundary has been hitherto conducted, and so essential to bring it to a happy termination. You are directed immediately upon the receipt of this dispatch to bring the subject to the notice of His Majesty's Government, and to demand as a matter of justice and right the prompt release of Mr. Greely and a suitable indemnity for his imprisonment.

Mr. Stevenson to Mr. Forsyth.

[Extract.]

LEGATION OF THE UNITED STATES,
London, August 21, 1837.

SIR: I received by the last packet to Liverpool your dispatch of the 12th of July (No. 21), transmitting copies of the documents and correspondence in relation to the arrest and imprisonment of Mr. Greely, a citizen of Maine, by the authorities of New Brunswick.

In pursuance of your instructions, I lost no time in presenting the subject to the consideration of the Government, and herewith transmit to you a copy of my note to Lord Palmerston, to which no answer has yet been received.

You will see that I waived for the present the discussion of the question of right and jurisdiction, and contented myself with presenting the facts of the case and demanding the immediate release of Mr. Greely and indemnity for the injuries which he had sustained.

Mr. Stevenson to Lord Palmerston.

23 PORTLAND PLACE, *August 10, 1837.*

LORD PALMERSTON, etc.:

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor, in pursuance of instructions from his Government, to transmit to Lord Palmerston, Her Majesty's principal secretary of state for foreign affairs, copies of sundry official documents detailing the circumstances under which a most unwarrantable outrage has recently been committed by the authorities of the Province of New Brunswick upon the rights and liberty of a citizen of the United States.

From these papers it appears that Ebenezer S. Greely, a citizen of the State of Maine, was duly appointed for the purpose of taking an enumeration of the inhabitants of that State by an act of its legislature; that on the 6th of June last, whilst Mr. Greely was engaged in performing this duty and taking down the names of the inhabitants residing in that part of the disputed territory claimed by the United States as lying within the limits of Maine, he was forcibly arrested by the authorities

* Omitted.

of New Brunswick, immediately transported in custody to the town of Fredericton, and imprisoned in the public jail, where he still remains. This proceeding by the authorities of New Brunswick, having produced, as might justly have been expected, very deep excitement in Maine, was followed by an immediate appeal from the governor of that State to the Government of the United States for intervention and redress.

This application on the part of Maine having received the special consideration of the President, the undersigned has been instructed to lose no time in presenting the subject to the early and earnest attention of Her Majesty's Government, and demanding not only the immediate liberation of Mr. Greely from imprisonment, but indemnity for the injuries that he has sustained.

In fulfilling these instructions of his Government it is not the purpose of the undersigned to open the general discussion of the respective claims of Great Britain and the United States to the disputed territory (within which Mr. Greely was arrested), or the right of either Government to exercise jurisdiction within its limits. Whatever opinion the undersigned may entertain as to the rightful claim of the State of Maine to the territory in dispute, and however unanswerable he may regard the arguments by which the claim may be sustained, he deems it neither proper nor needful to urge them upon the consideration of Her Majesty's Government in the decision of the present case; more especially as the whole subject is elsewhere, and in another form, matter of negotiation between the two Governments, where the discussion of the question of right more appropriately belongs. The undersigned, moreover, does not presume that pending the negotiation, and whilst efforts are making for the peaceable and final adjustment of these delicate and exciting questions, Her Majesty's Government can claim the right of exclusive jurisdiction and sovereignty over the disputed territory or the persons residing within its limits. In such a claim of power on the part of Great Britain or its provincial authorities, the undersigned need not repeat to Lord Palmerston (what he is already fully apprised of) the Government of the United States can never consent to acquiesce in the existing state of the controversy. On the contrary, the mutual understanding which exists between the two Governments on the subject and the moderation which both Governments have heretofore manifested forbid the exercise by either of such high acts of sovereign power as that which has been exerted in the present case by the authorities of Her Majesty's provincial government.

The undersigned must therefore suppose that this arrest and imprisonment of an American citizen under such circumstances and in the existing state of the controversy could only have been justified by some supposed infringement of the understanding existing between the parties in relation to the question of jurisdiction within the disputed territory. Such, however, was not the case. The correspondence between the governor of Maine and the lieutenant-governor of New Brunswick shows that the only act done by Mr. Greely was the simple enumeration of the inhabitants, and it is not perceived how such an act could be construed into a breach of the understanding between the two Governments.

It is proper also to remark that this was not the first time that the inhabitants within this particular settlement had been enumerated under the authority of the United States. It was done in the census of 1820 (as a portion of the State of Maine), and was at the time neither objected to nor remonstrated against by the British Government or that of New Brunswick.

Wherever, then, the right of jurisdiction and sovereignty over this territory may dwell, the undersigned feels satisfied that Her Majesty's Government can not fail to perceive that the arrest and imprisonment of Mr. Greely under the circumstances of the case was not only a violation of the rights of the United States, but was wholly irreconcilable with that moderation and forbearance which it is peculiarly the duty of both Governments to maintain until the question of right shall be definitively settled.

It becomes the duty of the undersigned, therefore, in pursuance of special instructions from his Government, to invite the early and favorable consideration of Her Majesty's Government to the subject, and to demand, as a matter of justice and right, the immediate discharge of Mr. Greely from imprisonment, and a suitable indemnity for the wrongs he has sustained.

Before closing this note the undersigned will avail himself of the occasion to remind Lord Palmerston of the urgency which exists for the immediate and final adjustment of this long-pending controversy, and the increased obstacles which will be thrown in the way of its harmonious settlement by these repeated collisions of authority and the exercise of exclusive jurisdiction by either party within the disputed territory.

He begs leave also to repeat to his lordship assurances of the earnest and unabated desire which the President feels that the controversy should be speedily and amicably settled, and to express the anxiety with which the Government of the United States is waiting the promised decision of Her Majesty's Government upon the proposition submitted to it as far back as July, 1836, and which the undersigned had been led to believe would long since have been given; and he has been further directed to say that should this proposition be disapproved the President entertains the hope that some new one on the part of Her Majesty's Government will immediately be made for the final and favorable termination of this protracted and deeply exciting controversy.

The undersigned begs Lord Palmerston to receive renewed assurances of his distinguished consideration.

A. STEVENSON.

Mr. Forsyth to Mr. Stevenson.

DEPARTMENT OF STATE,
Washington, September 28, 1837.

ANDREW STEVENSON, Esq., etc.

SIR: You will receive herewith the copy of a note, dated the 18th instant, recently received by the President from the governor of Maine, who alleges that Ebenezer S. Greely, esq., a citizen of that State, while employed within its limits and under its authority in enumerating the inhabitants of Penobscot County, has been again arrested and imprisoned by the provincial authorities of New Brunswick, and requests that speedy measures be adopted by the Government of the United States to procure the release of Mr. Greely.

Governor Dunlap has been assured, by the President's direction, that steps would be immediately taken to effect that object, and you are accordingly instructed, on the receipt of this dispatch, to bring the subject without delay to the attention of the British secretary of state for foreign affairs. You will remonstrate in a respectful but earnest manner against this second violation of the rights of Maine in the person of her agent, and demand the prompt release of Mr. Greely, with such additional indemnification as the nature of the outrage calls for.

I am, etc.,

JOHN FORSYTH.

Mr. Stevenson to Mr. Forsyth.

[Extracts.]

LEGATION OF THE UNITED STATES,
London, November 22, 1837.

On my return to London, after an absence of a few weeks, I found your dispatches Nos. 26 and 27, under date of the 8th and 28th of September. In pursuance of your instructions I addressed an official note to Lord Palmerston on the subject of the

second arrest and imprisonment of Mr. Greely by the provincial authority of New Brunswick, a copy of which I have now the honor of transmitting to you.

No answer has yet been received to my first note, but I presume a decision of the case may be soon expected.

Mr. Stevenson to Lord Palmerston.

23 PORTLAND PLACE, *November 8, 1837.*

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, had the honor on the 10th of August last of addressing to Lord Viscount Palmerston, Her Majesty's principal secretary of state for foreign affairs, an official note complaining of the arrest and imprisonment of Ebenezer S. Greely, a citizen of the United States, by the provincial authorities of New Brunswick, and demanding, by order of his Government, the immediate release of Mr. Greely from imprisonment, with suitable indemnity for the wrongs he had sustained. To this communication a note was received from his lordship, under date of the 22d of the same month, in which an assurance was given that an early answer to the complaint might be expected. No answer, however, has yet been received, and it is with unfeigned regret that the undersigned finds himself constrained, in again inviting the attention of Her Majesty's Government to the subject, to accompany it with another complaint of a second outrage committed by the authorities of New Brunswick upon the rights and liberty of this individual.

From recent information received it appears that shortly after the first arrest and imprisonment of Mr. Greely he was, by the orders of the lieutenant-governor of New Brunswick, released from confinement, but was immediately thereafter again taken into custody by his authority and recommitted to the jail of Frederickton, where he is now detained. This fact having been communicated by the governor of Maine to the President of the United States (in an official communication setting forth the circumstances under which it was done, a copy of which is herewith transmitted), the undersigned has received the special instructions of his Government to bring the subject without delay to the notice of Her Majesty's Government, in order that immediate steps may be taken for the liberation of Mr. Greely and indemnity made for the injuries he has suffered.

Having in the first note which he had the honor of addressing to Lord Palmerston stated the grounds upon which the release of this individual was demanded and the expectations of his Government in relation to the subject, and having waived the discussion of the questions of right and jurisdiction, which he still intends doing, it will not be needful to do more on this occasion than express to his lordship the painful surprise and regret with which the President has received information of this second outrage on the part of the authorities of New Brunswick, and to repeat the assurances heretofore given that such proceeding can be regarded in no other light than a violation of the rights and sovereignty of the United States, and entirely irreconcilable with that mutual forbearance which it was understood would be practiced by both Governments pending the negotiation.

The circumstances under which these recent attempts to enforce jurisdiction have been made show that in the most favorable aspect in which they can be regarded they were wholly indefensible.

The act for which Greely was arrested and imprisoned, so far from having been committed within the acknowledged dominions of the British Crown, and beyond the limits of the disputed territory, and therefore liable to be treated as a violation of territorial jurisdiction, took place, as appears by the statement of the governor of Maine, whilst he was employed within the limits of that State, and under its authority, in enumerating the inhabitants of the county of Penobscot.

By what authority, then, the provincial government of New Brunswick felt itself

justified in exercising such acts of sovereign power the undersigned is at a loss to conceive, unless, indeed, upon the ground that the jurisdiction and sovereignty over the disputed territory pending the controversy rests exclusively with Great Britain. If such should turn out to be the fact, it can hardly be necessary again to repeat the assurances which have been heretofore given that in any such claim of power the Government of the United States can not acquiesce.

Upon the consequences which would unavoidably result from attempting to exercise such jurisdiction it is needless to enlarge. It must now be apparent that all such attempts, if persevered in, can produce only feuds and collisions of the most painful character, and besides increasing the feelings of international discord which have already been excited between the contending parties, they will close every avenue to an amicable adjustment of a controversy which it is so much the desire and interest of both Governments to accomplish. Ought it not, then, to be the earnest endeavor of the two Governments to avoid doing anything which can have a tendency to lead to such mischievous consequences?

It is under this view of the subject that the undersigned has been instructed again to remonstrate against these proceedings of the authorities of New Brunswick, as a violation of the rights of Maine in the person of her agent, and to protest in the most solemn manner against the future exercise of all such acts of jurisdiction and sovereignty over the disputed territory or the citizens of the United States residing within its limits until a final adjustment of the controversy takes place.

The undersigned, therefore, can not and ought not to close this note without again invoking the early and earnest attention of Lord Palmerston and that of Her Majesty's Government to this painful subject.

It is one of deep and mutual interest to the parties concerned, and the delicacy and embarrassments which surround it are justly appreciated by the Government of the United States. Deeply regretting, as that Government does, the collisions of authority to which both countries have been so repeatedly exposed by the delay that has taken place in the final settlement of the main question, it is sincerely desirous, as the undersigned has taken occasion repeatedly to assure Lord Palmerston, to have it brought to a speedy and amicable termination. This can only be done by measures of mutual forbearance and moderation on the part of both Governments. To this end the efforts of the American Government have been earnest, persevering, and constant. It has done, as it will continue to do, everything in its power to induce the State of Maine to pursue a course best calculated to avoid all excitement and collision between the citizens of that State and the inhabitants of New Brunswick, or which would tend in any manner to embarrass the mediatorial action of their two Governments on the subject; but it can not be expected, if the authorities of New Brunswick still persevere in attempting to exercise jurisdiction over the disputed territory by the arrest and imprisonment in foreign jails of citizens of Maine for performing their duty under the laws of their own State, and within what is believed to be her territorial limits, that measures of retaliation will not be resorted to by Maine, and great mischief ensue.

Indeed, under existing circumstances and in the nature of human connections, it is not possible, should such a course of violence be continued, to avoid collisions of the most painful character, for which the Government of the United States can not be responsible, but which both Governments would equally deplore.

It was doubtless with a view of guarding against these consequences that the understanding took place that each Government should abstain from exercising jurisdiction within the limits of the disputed territory pending the settlement of the main question.

The undersigned therefore persuades himself that these proceedings of the colonial government may have taken place without a careful examination of the important questions involved in them or the consequences to which they might lead, rather

than under instructions from Her Majesty's Government or with a deliberate view of asserting and enforcing territorial and jurisdictional rights over the contested territory.

In looking back, as he does with satisfaction, to the conciliatory spirit in which the negotiation has heretofore been conducted and the moderation which both Governments have observed, the undersigned can not permit himself to doubt but that upon a careful review of the whole subject Her Majesty's Government will see fit not only to mark with its disapprobation this last proceeding of her colonial government, and direct the immediate liberation of Mr. Greely from imprisonment, with ample indemnity for the wrongs he may have sustained, but that it will see the propriety of giving suitable instructions to the authorities of New Brunswick to abstain for the future from all acts of that character, which can have no other tendency than to increase the excitement and jealousies which already prevail and retard the final and amicable adjustment of this painful controversy.

The undersigned requests Lord Palmerston to accept assurances of his distinguished consideration.

A. STEVENSON.

Mr. Clay to Mr. Vaughan.

DEPARTMENT OF STATE,
Washington, January 9, 1829.

Right Hon. CHARLES R. VAUGHAN, etc.

SIR: I have this day received a letter from the governor of the State of Massachusetts, transmitting an extract from a letter addressed by George W. Coffin, esq., land agent of Massachusetts, to his excellency, a copy of which is herewith communicated, and to which I request your immediate and particular attention.

It appears from this document that "mills are now erecting on the grant formerly made to General Eaton, on the Aroostook River, for the avowed purpose of getting their supply of timber from our forests;" that the proprietor of these mills "says he has assurances from the authorities of New Brunswick that he may cut timber without hindrance from them, provided he will engage to pay them for it if they succeed in obtaining their right to the territory;" "that mills are also erected at Fish River, and to supply them the growth in that section is fast diminishing, and that the inhabitants of St. John River obtain from the Province of New Brunswick permits to cut on the Crown lands. But it is evident that many having such permits do not confine themselves to Crown lands, for in my travels across the interior country logging roads and the chips where timber had been hewn were seen in every direction, also many stumps of trees newly cut." I need scarcely remark that the proceedings thus described are in opposition to the understanding which has existed between the Governments of the United States and Great Britain that during the pendency of the arbitration which is to settle the question of boundary neither party should exercise any jurisdiction or perform any act on the disputed territory to strengthen his own claims or to affect the state of the property in issue. The governor of Massachusetts observes in his letter to me that, "in relation to the lands on Fish River, it must be recollected that the survey of a road by the joint commissioners of Massachusetts and Maine a short time since was made matter of complaint by the British minister resident at Washington on the express ground that the territory was within the scope of the dispute. From courtesy to his Government and a respectful regard to a suggestion from the Department of State, the making of the road was suspended." The governor justly concludes: "But it will be an ill requital for this voluntary forbearance on our part if the land is to be plundered of its timber and the value of the property destroyed before it shall be determined that it does not belong to us."

If the government of New Brunswick will authorize or countenance such tres-

passes as have been stated by Mr. Coffin on the disputed territory, it can not be expected that the State of Maine will abstain from the adoption of preventive measures or from the performance of similar or other acts of jurisdiction and proprietorship. The consequence would be immediate and disagreeable collision. To prevent this state of things, I am directed by the President again to demand through you the effectual interposition of the British Government. Without that the friendly, if not the peaceful, relations between the two countries may be interrupted or endangered.

I request your acceptance on this occasion of assurances of my distinguished consideration.

H. CLAY.

Mr. Vaughan to Mr. Clay.

Hon. HENRY CLAY, etc.: WASHINGTON, *January 13, 1829.*

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acknowledge the receipt of Mr. Clay's note containing a representation which has been made by his excellency the governor of the State of Massachusetts respecting the cutting down of timber upon the disputed territory in the Province of New Brunswick.

The undersigned will immediately transmit a copy of Mr. Clay's note to His Majesty's lieutenant-governor of New Brunswick, in order to obtain an explanation of the transaction which has given rise to the remonstrance made by the governor of Massachusetts.

The undersigned takes this opportunity of renewing to the Secretary of State the assurances of his highest consideration.

CHS. R. VAUGHAN.

Mr. Vaughan to Mr. Hamilton.

JAMES A. HAMILTON, Esq., etc.: WASHINGTON, *March 7, 1829.*

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, had the honor to receive from the Secretary of State of the United States a note, dated the 9th January last, containing a representation made by his excellency the governor of Massachusetts respecting some trespasses committed on the disputed territory in the Province of New Brunswick.

A copy of the note of the Secretary of State having been transmitted to Sir Howard Douglas, His Majesty's lieutenant-governor of that Province, the undersigned has lately received an answer, which he has the honor to communicate to Mr. Hamilton by inclosing an extract* of his excellency's letter, which shews in the most satisfactory manner that, so far from the proceedings complained of by the governor of Massachusetts having been authorized or countenanced in any shape by the government of New Brunswick, every precaution has been taken to prevent and restrain depredations in the disputed territory.

Mr. Hamilton will see by the inclosed letter that Sir Howard Douglas has sent a magistrate to report upon the mills which have been established without license or authority, to inspect minutely the stations of the cutters of lumber, and to seize any timber brought into the acknowledged boundaries of New Brunswick from the disputed territory, and to hold the proceeds of the sale of it for the benefit of the party to whom that territory may be ultimately awarded.

As the time is approaching when Sir Howard Douglas will be absent from his government, he will leave injunctions strictly to observe the understanding between the two governments during his absence. The undersigned has great satisfaction in being able to offer to the Government of the United States the unequivocal testimony

*Omitted.

contained in the inclosed letter from Sir Howard Douglas of the conciliatory spirit in which the government of New Brunswick is administered, and trusting that a similar spirit will animate the government of the American States which border on that Province, he confidently anticipates a cessation of that excitement which has unfortunately prevailed in the neighborhood of the disputed territory.

The undersigned takes this occasion to offer to Mr. Hamilton the assurances of his high consideration.

CHAS. R. VAUGHAN.

Mr. Hamilton to Mr. Vaughan.

DEPARTMENT OF STATE,
Washington, March 11, 1829.

Right Hon. CHARLES RICHARD VAUGHAN,
Envoy Extraordinary and Minister Plenipotentiary from Great Britain.

SIR: I have received and laid before the President of the United States the note, with its inclosures, which you did me the honor to write to me on the 7th of this month in answer to a representation which was made to you by Mr. Clay on the 9th of January last, at the instance of the governor of Massachusetts, concerning depredations complained of by him against inhabitants of the Province of New Brunswick in cutting timber, preparing lumber for market, and erecting mills upon the soil of the territory in dispute between the United States and Great Britain, and I am directed by the President to state in reply, as I have much pleasure in doing, that he derives great satisfaction from the information contained in your communication, as he especially perceives in the prompt and energetic measures adopted by Sir Howard Douglas, lieutenant-governor of the Province in question, and detailed in the inclosure referred to, a pledge of the same disposition on the part of the authorities of that Province which animates this Government—to enforce a strict observance of the understanding between the two Governments that the citizens or subjects of neither shall exercise any acts of ownership in the disputed territory whilst the title to it remains unsettled. I will lose no time in making known to the governors of Massachusetts and Maine the measures which have been thus adopted by the lieutenant-governor of New Brunswick to guard against all depredations upon the disputed territory, and will at the same time inform their excellencies of the just and confident expectation entertained by the President that the conciliatory understanding or arrangement between the two Governments of the United States and Great Britain already referred to should not be disturbed by the citizens of these two States.

I am directed likewise by the President expressly to use this first occasion of an official communication with you under his orders to request the favor of you to make known to your Government the sincere regret he feels at the existence of any difference or misunderstanding between the United States and Great Britain upon the subject-matter of this letter, or any other whatever, and that in all the measures which may be adopted on his part toward their adjustment he will be entirely actuated and governed by a sincere desire to promote the kindest and best feelings on both sides and secure the mutual and lasting interests of the parties.

I pray you, sir, to accept the renewed assurances of the high and distinguished consideration with which I have the honor to be, your obedient, humble servant,

JAMES A. HAMILTON.

Mr. Vaughan to Mr. Hamilton.

Mr. J. A. HAMILTON, etc.:

WASHINGTON, *March 12, 1829.*

It is with great satisfaction that the undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, acknowledges the receipt of Mr. Hamilton's note of the 11th instant, containing a prompt acknowledgment of the efficacious

measures adopted by the lieutenant-governor of New Brunswick to investigate and to restrain the proceedings complained of in the disputed territory; and he begs leave to assure the President that he derives great satisfaction from being requested to communicate to His Majesty's Government that in the adjustment of differences between Great Britain and the United States the President will be entirely actuated and governed by a sincere desire to promote the kindest and best feelings on both sides and secure the mutual and lasting interests of the parties.

The undersigned begs Mr. Hamilton to accept the assurances of his highest consideration.

CHS. R. VAUGHAN.

Mr. Vaughan to Mr. Van Buren.

WASHINGTON, *April 10, 1829.*

Hon. MARTIN VAN BUREN, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to inform the Secretary of State of the United States that he has received an intimation from His Majesty's lieutenant-governor of New Brunswick that, apparently, it is the intention of the Government of the United States to carry the road now making through the State of Maine to Mars Hill over the point, and to occupy it as a military station.

The undersigned begs leave to remind Mr. Van Buren that Mars Hill is situated upon the northeastern line of boundary which is in dispute between the two Governments; and he is called upon to protest against the occupation of it by American troops upon the ground that the line drawn by the commissioners of boundary under the treaty of Ghent due north from the monument which marks the sources of the river St. Croix was not considered by them as correctly laid down, and it yet remains to be determined whether Mars Hill lies eastward or westward of a line drawn upon scientific principles. For a better explanation of the motives for this protest the undersigned has the honor to refer the Secretary of State to a copy of a letter, which is inclosed,* from Sir Howard Douglas.

A joint resolution of both Houses of Congress passed during the last session tends to confirm the intentions of the Government of the United States as inferred by Sir Howard Douglas from the information which he has received. That resolution authorized the making of a road from and beyond Mars Hill to the mouth of the Madawaska River; but as the carrying into effect that resolution was left entirely to the discretion of the President, the undersigned can not entertain any apprehension of a forcible seizure of a large portion of the disputed territory, which a compliance with the resolution of Congress would imply.

The undersigned acknowledges with great satisfaction the assurances which he has received of the kind feelings which will actuate the President of the United States in the adjustment of any differences which may exist with Great Britain. He submits, therefore, the representation of the lieutenant-governor of New Brunswick respecting the occupation of Mars Hill, relying confidently on the manifest propriety of restraining the aggression which it is supposed is meditated from the frontier of the State of Maine, and of both parties mutually abstaining from any acts which can affect the disputed territory, as the question of possession is now in the course of arbitration.

The undersigned reiterates to the Secretary of State the assurances of his highest consideration.

CHAS. R. VAUGHAN.

* Omitted.

Mr. Van Buren to Mr. Vaughan.

DEPARTMENT OF STATE,
Washington, May 11, 1839.

Right Hon. CHARLES R. VAUGHAN, etc.:

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note which Mr. Vaughan, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, addressed to him on the 10th of April, stating upon the authority of a letter from the governor of New Brunswick, whereof a copy came inclosed in Mr. Vaughan's note, that it was apparently the intention of the Government of the United States to carry the road now making through the State of Maine to Mars Hill over that point, and to occupy Mars Hill as a military station; and protesting against such occupation upon the ground that the line drawn by the commissioners of boundary under the treaty of Ghent due north from the monument which marks the source of the river St. Croix was not considered by them as correctly laid down, and that it yet remains to be determined whether Mars Hill is eastward or westward of the true line.

The undersigned deems it unnecessary upon the present occasion to enter into an elaborate discussion of the point stated by Sir Howard Douglas, the lieutenant-governor of New Brunswick, concerning the line referred to by him, inasmuch as the relative position of Mars Hill to that line is already designated upon map A, and the line itself mutually agreed to and sufficiently understood for all present purposes, though not definitively settled by the convention of London of the 29th September, 1827.

The undersigned will therefore merely state that he finds nothing in the record of the proceedings of the commissioners under the fifth article of the treaty of Ghent to warrant the doubt suggested by the lieutenant-governor of New Brunswick whether Mars Hill lies to the westward of the line to be drawn due north from the monument at the source of the St. Croix to the highlands which divide the waters that empty into the river St. Lawrence from those which empty into the Atlantic Ocean; that the joint surveys and explorations made under that commission place the hill about a mile due west of that line; and that the agent of His Britannic Majesty before the commissioners, so far from intimating any doubt on the point, made it one ground of argument that the true line, when correctly laid down, would necessarily, on account of the ascertained progressive westerly variation of the needle, fall still farther westward.

The undersigned can not acquiesce in the supposition that, because the agent of His Britannic Majesty thought proper in the proceedings before the commissioners to lay claim to all that portion of the State of Maine which lies north of a line running westerly from Mars Hill, and designated as the limit or boundary of the British claim, thereby the United States or the State of Maine ceased to have jurisdiction in the territory thus claimed. In the view of this Government His Britannic Majesty's agent might with equal justice have extended his claim to any other undisputed part of the State as to claim the portion of it which he has drawn in question, and in such case the lieutenant-governor of New Brunswick could surely not have considered a continuance on the part of the United States and of the State of Maine to exercise their accustomed jurisdiction and authority to be an encroachment. If so, in what light are we to regard the continued acts of jurisdiction now exercised by him in the Madawaska settlement? More than twenty years ago large tracts of land lying westward of Mars Hill, and northward on the river Restook, were granted by the State of Massachusetts, which tracts are held and possessed under those grants to this day, and the United States and the States of Massachusetts and Maine, in succession, have never ceased to exercise that jurisdiction which the unsettled condition of the country in that region and other circumstances admitted and required.

The undersigned, therefore, can not discover in the facts and circumstances of the case any just principles upon which Sir Howard Douglas could predicate his protest. He has, however, submitted the note which he had the honor to receive from Mr. Vaughan to the President of the United States, and is by him directed to say in reply that although this Government could feel no difficulty in the exercise of what it deems an unquestionable right, and could not allow itself to be restrained by the protest of the lieutenant-governor of New Brunswick, yet, as a further proof of the spirit of amity, forbearance, and conciliation which the President is desirous of cultivating between the two Governments, he has decided to postpone for the present the exercise of the authority vested in him by the Congress of the United States to cause to be surveyed and laid out a military road to be continued from Mars Hill, or such other point on the military road laid out in the State of Maine as he may think proper, to the mouth of the river Madawaska, and to add that the lieutenant-governor of New Brunswick is under a misapprehension as to the design of this Government to occupy Mars Hill as a military station, no such intention being entertained by the President, nor have any measures been taken by this Government with an ulterior view to that object.

The undersigned indulges the hope that Mr. Vaughan will perceive in the manner in which the President, discriminating between the rights of this Government and their present exercise, has used the discretion conferred upon him an additional evidence of the desire which he sincerely entertains, and which he has heretofore caused to be communicated to Mr. Vaughan, that both Governments should, as far as practicable, abstain from all acts of authority over the territory in dispute which are not of immediate and indispensable necessity, and which would serve to create or increase excitement whilst the matter is in course of arbitration; and he feels well persuaded that Mr. Vaughan will not fail to inculcate the same spirit and to recommend in the strongest terms the observance of the same course on the part of the provincial government of New Brunswick.

The undersigned offers to Mr. Vaughan the renewed assurances of his high consideration.

M. VAN BUREN.

Mr. Vaughan to Mr. Van Buren.

WASHINGTON, *May 14, 1829.*

Hon. MARTIN VAN BUREN, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acknowledge the receipt of Mr. Van Buren's note dated the 11th instant, and he derives great satisfaction from being able to communicate to His Majesty's Government the assurances which it contains that the Government of the United States has never entertained the design of occupying Mars Hill, and that the President, in the spirit of amity, forbearance, and conciliation which he is desirous of cultivating between the two Governments, has decided to postpone for the present the exercise of the authority vested in him by the Congress of the United States to cause to be surveyed and laid out a military road to be continued from Mars Hill to the river Madawaska.

The undersigned will transmit immediately a copy of Mr. Van Buren's note to His Majesty's Government, and he forbears, therefore, from taking notice of the observations which it contains relative to the exact position of Mars Hill and to the exercise of jurisdiction in the district on the northwest of it.

The undersigned begs leave to renew to Mr. Van Buren the assurances of his highest consideration.

CHAS. R. VAUGHAN.

Mr. Vaughan to Mr. Van Buren.

WASHINGTON, *June 8, 1829.*

Hon. MARTIN VAN BUREN, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, had the honor on the 7th March last to lay before the Government of the United States a letter from Sir Howard Douglas, His Majesty's lieutenant-governor of New Brunswick, in explanation of trespasses alleged by the governor of the State of Massachusetts to have been committed by British subjects in the disputed territory within that Province. The lieutenant-governor announced his intention in that letter of sending a magistrate into the district where the proceedings complained of had taken place to ascertain the nature and extent of the alleged trespasses and afterwards to make a report to his excellency.

The report of the magistrate having been received by Mr. Black, who has been commissioned by His Majesty to administer the government of New Brunswick during the temporary absence of Sir Howard Douglas, a copy of it has been transmitted to the undersigned, and he begs leave to submit it* to the consideration of the Secretary of State of the United States, together with an extract* of the letter of Mr. Black which accompanied it. As it appears by the report of Mr. Maclauchlan, the magistrate, that some American citizens settled in the disputed territory are implicated in the trespasses which have been committed, Mr. Black, the president and commissioner in chief of the government of New Brunswick, suggests the propriety of an officer being appointed by the Government of the United States to act in concert with the British magistrate in preventing further depredations.

The undersigned has received from Mr. Black the most satisfactory assurances that it will be his earnest study to adhere scrupulously to the good feeling and conciliatory conduct toward the United States which has been observed by Sir Howard Douglas.

The undersigned seizes this opportunity to renew to Mr. Van Buren the assurances of his distinguished consideration.

CHAS. R. VAUGHAN.

Mr. Bankhead to Mr. Livingston.

WASHINGTON, *October 1, 1831.*

Hon. EDWARD LIVINGSTON, etc.:

The undersigned, His Britannic Majesty's chargé d'affaires, has the honor to acquaint Mr. Livingston, Secretary of State of the United States, that he has received a communication from His Majesty's lieutenant-governor of New Brunswick, stating that the authorities of Maine have endeavored to exercise a jurisdiction over part of the territory at present in dispute between His Majesty and the United States, and, further, that an order has been issued by a justice of the peace for the county of Penobscot to the inhabitants of the town of Madawaska to assemble for the purpose of choosing municipal officers.

The undersigned regrets sincerely that these irregular proceedings should have been had recourse to during a period when the question of boundary is in a course of settlement, and in opposition to the desire expressed by the President that pending the discussion of that question the State of Maine should refrain from committing any act which could be construed into a violation of the neighboring territory.

The undersigned begs leave to submit to the Secretary of State several documents* which he has received from Sir Archibald Campbell in support of his complaint of a violation of territory; and the undersigned entertains a confident hope that such measures will be adopted as shall prevent a recurrence of acts on the part of the authorities of the State of Maine which are productive of so much inconvenience

*Omitted.

and which tend to disturb that harmony and good will so necessary to be preserved between the two countries.

The undersigned has the honor to renew to Mr. Livingston the assurances of his distinguished consideration.

CHARLES BANKHEAD.

Mr. Livingston to Mr. Bankhead.

DEPARTMENT OF STATE,
Washington, October 17, 1831.

CHARLES BANKHEAD, Esq., etc.

SIR: Immediately after receiving your note of the 1st instant I wrote to the governor of the State of Maine for information on the subject of it. I have just received his answer, of which I have the honor to inclose two extracts.* By the first you will perceive that the election of town officers in the settlement of Madawaska, of which complaint was made in the papers inclosed in your letter, was made under color of a general law, which was not intended by either the executive or legislative authority of that State to be executed in that settlement, and that the whole was the work of inconsiderate individuals.

By the second extract it will appear that the individuals said to have been most prominent in setting up the authority of the State have been arrested by order of the lieutenant-governor of the Province of New Brunswick, and were on their way to be imprisoned at Frederickton.

The innovation on the existing state of things in the disputed territory being distinctly disavowed by the executive authority of the State, no act of authority or exercise of jurisdiction having followed the election, I would respectfully suggest the propriety of your recommending to the lieutenant-governor of New Brunswick the release of the prisoners who were arrested for exercising this act of authority in the territory mutually claimed by the two nations, contrary to the understanding between their Governments. It is their avowed object to avoid any collision until the intention of both parties in relation to the award shall be fully known. All subjects calculated to produce irritation, therefore, ought evidently to be avoided. The arrest of the persons concerned in the election must produce that feeling in a high degree. A conviction can not take place without eliciting a decision from the bench declaratory of and enforcing the jurisdiction over the territory in dispute, which it is the present policy of both powers to avoid, at least for the short time that must elapse before the question can be finally settled. If punishment should follow conviction, the passions that would be excited must inevitably be hostile to that spirit of conciliation so necessary where sacrifices of national feeling and individual interest are required for the common good. It would be absurd here to enter into the question of title. Both parties claim it. No act that either can do is necessary to assist its right while there is hope of an amicable arrangement; and it was with this view of the subject that a mutual understanding has been had to leave things in the state in which they are until the question of the award is settled.

On the part of the Americans some individuals, in contravention of this understanding, have proceeded to do acts which if followed out would change the political state of part of the disputed land. But it has not been so followed out; it is disavowed by the power whose assent is necessary to carry it into execution. It is therefore of no avail, and can have no more effect than if the same number of men had met at Madawaska and declared themselves duly elected members of the British Parliament. The act interferes with no right; it comes in actual collision with no established power. Not so the punishment of the individuals concerned. This is at once

*Omitted.

a practical decision of the question, and may lead to retaliating legal measures; for if the lieutenant-governor of New Brunswick feels himself obliged, as he says he does, to impose the authority of the law within which he thinks the boundaries of his Province, will not the same feeling incite the governor of Maine, under the same sense of duty, to pursue the like measures? And thus the fruits of moderation and mutual forbearance during so long a period will be lost for the want of perseverance in them for the short time that is now wanting to bring the controversy to an amicable close. It is therefore, sir, that I invite your interposition with his excellency the lieutenant-governor of New Brunswick to induce him to set at liberty the persons arrested, on their engagement to make no change in the state of things until the business shall be finally decided between the two Governments.

On our part, the desire of the General Government to avoid any measures tending to a change in the existing state of things on our northeast boundary has been fully and, it is believed, efficaciously expressed to the executive of the State of Maine, so that the actual relation of the State with the neighboring Province will not in future suffer any change.

I have great pleasure, sir, in renewing on this occasion the assurance of my high consideration.

EDWD. LIVINGSTON.

Mr. Bankhead to Mr. Livingston.

WASHINGTON, *October 20, 1831.*

Hon. EDWARD LIVINGSTON, Esq., etc.:

The undersigned, His Britannic Majesty's chargé d'affaires, has the honor to acknowledge the receipt of Mr. Livingston's note of the 17th instant, in answer to a representation which the undersigned thought it his duty to make to the Government of the United States upon a violation committed upon the territory at present in dispute between the two countries.

The friendly tone assumed by the Secretary of State in this communication, the discountenance on the part of the General Government of the proceedings which were complained of, and the determination of the President to cause the strictest forbearance to be maintained until the question of boundary shall be settled have been received by the undersigned with great satisfaction, and it is in the same spirit of harmony that he has addressed a letter to His Majesty's lieutenant-governor of New Brunswick, inclosing a copy of Mr. Livingston's note, for his excellency's serious consideration.

The undersigned has the honor to renew to Mr. Livingston the assurance of his distinguished consideration.

CHARLES BANKHEAD.

Mr. Bankhead to Mr. Livingston.

WASHINGTON, *October 22, 1831.*

Hon. EDWARD LIVINGSTON, etc.:

The undersigned, His Britannic Majesty's chargé d'affaires, has the honor to transmit to the Secretary of State of the United States the copy of a letter* from His Majesty's lieutenant-governor of New Brunswick, inclosing a deposition* made before a justice of the peace of that Province in support of a charge against certain inhabitants of Houlton, in the State of Maine, for having made a forcible inroad on the territory of His Majesty in search of an Irishman (an inhabitant of Woodstock, New Brunswick) who committed a most violent outrage against the constituted authorities at Houlton.

*Omitted.

The lieutenant-governor deprecates in the strongest manner the infamous conduct of the individual in question, and is perfectly ready to exert the utmost rigor of the laws against him; but his excellency at the same time protests against the conduct of those persons who have thus attempted to interfere with the jurisdiction of the laws in His Majesty's possessions.

Under these circumstances the undersigned has to request that Mr. Livingston will be good enough to cause the necessary inquiries to be instituted into this transaction, and upon the charges being clearly proved that he will make such a representation to the authorities of the State of Maine as shall prevent the recurrence of a similar irregularity in future.

The undersigned has the honor to renew to Mr. Livingston the assurances of his distinguished consideration.

CHARLES BANKHEAD.

Mr. Bankhead to Mr. Livingston.

WASHINGTON, *November 25, 1831.*

Hon. EDWARD LIVINGSTON, etc.:

The undersigned, His Britannic Majesty's chargé d'affaires, has the honor to refer the Secretary of State of the United States to the correspondence which took place in the month of October upon the subject of violations which had been committed upon the territory at present in dispute between Great Britain and the United States, and the measures which His Majesty's lieutenant-governor of New Brunswick deemed it expedient to adopt thereupon.

The trial of these persons took place at Frederickton, and they were sentenced by the supreme court of the Province to fine and imprisonment.

At the time the undersigned communicated to the Government of the United States the decision which the authorities of New Brunswick had felt it necessary to adopt upon this occasion he expressed the deep regret of the governor of that Province that the conduct of these individuals was such as to compel his excellency to pursue a course so uncongenial to his own feelings and at variance with the harmony which subsists between the Governments of Great Britain and the United States.

The Secretary of State upon receiving this communication expressed to the undersigned the earnest desire of the President, upon a total disavowal on the part of the General Government of the proceedings of the persons implicated in this transaction, that His Majesty's lieutenant-governor might consider himself authorized to exercise a prerogative in their favor and to remit the sentence which had been pronounced against them.

No time was lost in submitting Mr. Livingston's note to the consideration of Sir Archibald Campbell, and the undersigned has the greatest satisfaction in acquainting him that his excellency fully acquiesced in the desire manifested by the President of the United States. The undersigned can not better fulfill the wishes of Sir Archibald Campbell, which are so much in accordance with that spirit of good will which happily subsists between the two countries and which characterizes their relations with each other, than by transmitting to the Secretary of State a copy of the dispatch which he yesterday received from that officer, and which he feels assured will be received by the President as an earnest of his uninterrupted good feeling toward the Government and people of the United States.

The undersigned has the honor to renew to Mr. Livingston the assurance of his highest consideration.

CHARLES BANKHEAD.

Sir Archibald Campbell to Mr. Bankhead.

GOVERNMENT HOUSE,
Fredericton, November 8, 1831.

SIR: I had this morning the honor to receive your letter of the 20th ultimo, which, with its inclosures, are in every respect so satisfactory that I did not lose a moment in giving effect to the wishes therein expressed by exercising that prerogative so congenial to my own feelings, whether viewed in the extension of mercy or in the gratifying anticipation of such a measure being received as an earnest of my most anxious desire, as far as rests with me (consistent with my public duties), to preserve inviolate the harmony and good understanding so happily existing between the two Governments. The prisoners, Barnabas Hunnewell, Jesse Wheelock, and Daniel Savage, are released; and I have taken it upon myself, knowing that such a measure will be fully sanctioned by my Government, to remit the fines imposed by the supreme court of this Province, as already communicated to you by Lieutenant-Colonel Snodgrass—an act that I trust will not fail in being duly appreciated *when it is known* that the above-mentioned individuals did, with several others, follow up their first proceedings by acts of much more serious aggression, for which they stood charged under another (untried) indictment. However, everything connected therewith is now corrected.

You will see with what readiness and satisfaction I have received and adopted your kind advice, for which accept of my sincere thanks, and believe me to remain, sir, etc.,

ARCHIBALD CAMPBELL,
Lieutenant-Governor.

Mr. Livingston to Mr. Bankhead.

DEPARTMENT OF STATE,
Washington, November 28, 1831.

CHARLES BANKHEAD, Esq., etc.:

The undersigned, Secretary of State, etc., has the honor to acknowledge the receipt of a note from Mr. Bankhead, His Britannic Majesty's chargé d'affaires, under date of the 25th instant, accompanied by a copy of a letter from Sir A. Campbell, the lieutenant-governor of the Province of New Brunswick, by both of which the Secretary of State is informed that the citizens of the United States lately under prosecution at Frederickton for acts done in the territory now possessed by Great Britain within the country claimed both by that power and the United States, have been set at liberty, in accordance with the suggestions made in the former correspondence between Mr. Bankhead and the Secretary of State.

Mr. Bankhead's note, with its inclosure, has been laid before the President, who has instructed the undersigned to express his satisfaction at the prompt manner in which his suggestions have been complied with, and to say that he considers it as a proof of the disposition of His Britannic Majesty's officers to preserve the harmony that so happily subsists between the two Governments.

The undersigned renews to Mr. Bankhead the assurance of his high consideration.

EDWARD LIVINGSTON.

Sir Charles R. Vaughan to Mr. McLane.

WASHINGTON, *October 20, 1833.*

Hon. LOUIS MCLANE, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to lay before the Secretary of State of the United States

a copy of a letter* which he has received from His Excellency Sir Archibald Campbell, His Majesty's lieutenant-governor of New Brunswick, and to call his attention to the conduct of certain land agents of the States of Maine and Massachusetts in the territory in dispute between Great Britain and the United States.

It appears by the report contained in Sir Archibald Campbell's letter that land agents of Maine and Massachusetts have been holding out inducements to persons of both countries to cut pine timber on the disputed territory on condition of paying to them 2 shillings and 6 pence the ton, and that they have entered into contracts for opening two roads which will intersect the Roostook River.

As it is the declared will and mutual interest of the Governments of Great Britain and of the United States to preserve the disputed territory in its present state and to avoid all collision pending the settlement of the boundary question, the undersigned is convinced that it is sufficient to insure the prompt interference of the Government of the United States to put a stop to the proceedings of these land agents to state the conduct complained of.

The undersigned has the honor to renew to Mr. McLane the assurance of his most distinguished consideration.

CHAS. R. VAUGHAN.

Mr. McLane to Sir Charles R. Vaughan.

DEPARTMENT OF STATE,
Washington, October 23, 1833.

Right Hon. SIR CHARLES R. VAUGHAN, G. C. H.,
Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty:

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Sir Charles R. Vaughan, envoy extraordinary and minister plenipotentiary of His Britannic Majesty, of the 20th instant, accompanied by a copy of a letter from Sir Archibald Campbell, lieutenant-governor of New Brunswick, to Sir Charles R. Vaughan, and also a letter from J. A. Maclauchlan to the lieutenant-governor of New Brunswick, complaining of the "conduct of certain land agents of the States of Maine and Massachusetts in the territory in dispute between the United States and Great Britain."

The undersigned is instructed to state that it would be a source of regret to the President should this complaint prove to be well founded, and that he has caused a copy of Sir Charles's note and of the accompanying papers promptly to be communicated to the governors of Maine and Massachusetts, in order that the necessary steps may be taken to enforce a due observance of the terms of the existing arrangement between the Government of the United States and that of Great Britain in regard to the disputed territory.

The undersigned avails himself of the occasion to renew to Sir Charles R. Vaughan the assurance of his distinguished consideration.

LOUIS MCLANE.

Sir Charles R. Vaughan to Mr. McLane.

WASHINGTON, *December 17, 1833.*

Hon. LOUIS MCLANE, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, regrets that a letter received from His Majesty's lieutenant-governor of New Brunswick should again require him to ask the intervention of the General Government of the United States to put a stop to certain proceedings of the State of Maine in the territory still in dispute between Great Britain and the United States.

*Omitted.

The inclosed letter, with the report which accompanies it,* shows that the State of Maine has opened a road beyond the conventional frontier, with the avowed intention of carrying it to the bank of the river St. John.

The undersigned is convinced that the Secretary of State of the United States will agree with him that the State of Maine must not be allowed to take upon herself the right to define the meaning of the treaty of 1783, and, by aggressions such as those against which the undersigned is called upon to remonstrate, to take possession, without reference to the General Government of the United States, of territory which has been so long in abeyance between the two Governments. Such conduct is calculated to lead to collisions of a distressing nature between the subjects of His Britannic Majesty and the citizens of the United States employed to assert a futile and hazardous possession which so entirely depends upon the arrangements in progress between the two Governments.

The undersigned trusts that the representation made in this note will be received by the Secretary of State in the same spirit of good will and conciliation which has hitherto characterized the conduct of the Government of the United States in all occurrences of a similar nature.

The undersigned has the honor to renew to Mr. McLane the assurance of his most distinguished consideration.

CHAS. R. VAUGHAN.

Mr. McLane to Sir Charles R. Vaughan.

DEPARTMENT OF STATE,
Washington, December 21, 1833.

Right Hon. SIR CHARLES R. VAUGHAN, G. C. H.,
Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty:

The undersigned, Secretary of State, has the honor to acknowledge the receipt of the note addressed to him on the 17th instant by Sir Charles R. Vaughan, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, requesting the intervention of the Government of the United States to put a stop to certain proceedings of the State of Maine in the territory still in dispute between Great Britain and the United States.

The proceedings referred to appear, by the letter of the lieutenant-governor of New Brunswick and the report of the officer acting on the part of Great Britain as warden of the disputed territory (copies of which accompanied Sir Charles R. Vaughan's note), to be the construction of a road to the Restook River, passing, as is alleged, through 15 miles of the disputed territory, and supposed by the warden to be intended to intersect the St. John River in the Madawaska settlement.

The undersigned is happy to have it in his power to afford at once such explanations upon this subject as he trusts may be satisfactory. By a communication received from the governor of Maine, in answer to a representation recently made by Sir Charles R. Vaughan concerning other alleged encroachments on the disputed territory, it will be seen that no part of the road now constructing by that State is believed to be within the territory of which the British Government has ever been in the actual possession since the treaty of 1783, and that it is not designed to extend the road beyond the Aroostook. The apprehensions entertained of its being extended to the St. John River in the Madawaska settlement appear, therefore, to be groundless, and, if the views of the governor of Maine as to the locality of the road be correct, it would seem that its construction can afford no just cause of complaint, as it is not supposed that such improvements made by either party within that part of the territory which has been in its possession, or so considered, since the treaty of 1783 are

*Omitted.

contrary to the spirit of the existing understanding between the two Governments. It will be seen, moreover, as well by the communication from the governor of Maine as by one received from the governor of Massachusetts on the same occasion, that a conciliatory and forbearing disposition prevails on their part, and that no measures will be taken or any acts authorized by them which may justly be considered as a violation of the understanding in regard to the disputed territory.

The undersigned has nevertheless been directed by the President to transmit copies of Sir Charles R. Vaughan's note and its inclosures to the governors of Maine and Massachusetts, and to repeat to their excellencies his earnest desire that as far as depends on them no departure from the understanding between the two Governments may be permitted.

In regard to the complaint heretofore made by Sir Charles R. Vaughan, upon the representations of the lieutenant-governor of New Brunswick and the warden of the disputed territory, as to the cutting and sale of timber under the authority of the land agents of Maine and Massachusetts, the undersigned begs leave to refer to the communications from the governors of those States already mentioned, copies of which are now transmitted, by which it appears that the conduct of those agents has furnished no just cause of dissatisfaction, but that, on the contrary, it is alleged that His Britannic Majesty's officers of the Province of New Brunswick, by the seizure and sale of timber cut by trespassers on the Aroostook, and afterwards in the rightful custody of the agent of the State of Massachusetts, have been the first to violate the existing understanding upon this subject.

These complaints on both sides, arising, as the undersigned believes, from acts which do not on either side indicate an intention to disregard the existing understanding, but are attributable to the unsettled state of the boundary question, and which should therefore be viewed with mutual forbearance, furnish increased reason for a speedy adjustment of that interesting matter; and the President looks with great solicitude for the answer, which is daily expected, from the British Government to the proposition submitted on the part of the United States, in the hope that it may soon set all those difficulties at rest.

The undersigned has the honor to renew to Sir Charles R. Vaughan the assurance of his distinguished consideration.

LOUIS McLANE.

EXECUTIVE DEPARTMENT OF MASSACHUSETTS,
November 1, 1833.

Hon. LOUIS McLANE,
Secretary of State of the United States.

SIR: I have to acknowledge the honor of the receipt of your letter of the 23d of October, covering a copy of a note addressed to you by Sir Charles R. Vaughan, envoy extraordinary and minister plenipotentiary of His Britannic Majesty, accompanied also by copies of certain documents conveying complaints on the part of the authorities of His Majesty's Province of New Brunswick "of the conduct of certain land agents of the States of Maine and Massachusetts on the territory in dispute between the United States and Great Britain."

Permit me to assure you that I shall lose no time in making inquiry of the land agent of this Commonwealth into the supposed occasion of the complaints of His Majesty's provincial officers, and in transmitting to the Department of State such information as I may receive in reply.

Prejudicial as the delay in the settlement of this long-vexed subject of boundary is to the rights of property which Massachusetts claims in the disputed territory, and impatient as both the government and the people have become at the unreasonableness and pertinacity of the adversary pretensions and with the present state of the question, yet the executive of this Commonwealth will not cease to respect the

understanding which has been had between the Governments of the two countries, *that no act of wrong to the property of either* shall be committed during the pending of measures to produce an amicable adjustment of the controversy.

In the meantime, I can not but earnestly protest against the authority of any appointment on the behalf of His Majesty's Government which may be regarded as a claim to the executive protection of this property or be deemed an acquiescence on the part of the United States in an interference, *under color* of a "wardenship of the disputed territory," with the direction to its improvement which the governments of Massachusetts and Maine, respectively, may see fit to give to their agents. The rights of soil and jurisdiction over it are in the States, and forbearance to the exercise of these rights for a season, from mere prudential considerations, a respectful regard to the wishes of the General Government, or amity toward a foreign nation is not to be construed into a readiness to surrender them upon the issue of any proposed negotiation.

I have the honor to be, sir, with sentiments of the highest respect, your obedient servant,

LEVI LINCOLN.

EXECUTIVE DEPARTMENT OF MAINE,
Augusta, November 23, 1833.

Hon. LOUIS MCLANE,
Secretary of State of the United States, Washington.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d of October last, communicating a copy of a note from Sir Charles R. Vaughan, accompanied with a copy of a letter from Sir Archibald Campbell, lieutenant-governor of New Brunswick, to Sir Charles R. Vaughan, and also of a letter from Lieutenant J. A. Maclauchlan to Sir Archibald Campbell, complaining of the conduct of the land agents of the States of Maine and Massachusetts in the territory in dispute between the United States and Great Britain.

In compliance with your request to be furnished with information in relation to this subject, I reply that by a resolve of the legislature of this State passed March 30, 1831, "the land agent of this State, in conjunction with the land agent of the Commonwealth of Massachusetts, is authorized and empowered to survey, lay out, and make a suitable winter road, or cause the same to be done, from the mouth of the Matawamkeag, a branch of the Penobscot River, in a northerly direction, so as to strike the Aroostook River on or near the line dividing the sixth and seventh ranges of townships." The same resolve authorizes the land agents to lay out and make, or cause to be made, a winter road from the village of Houlton, in a westerly direction, to intersect the road to the Aroostook River at some point most convenient for traveling and most for the interest of the State. By a subsequent resolve, passed March 8, 1832, the authority given to the land agents was enlarged so as to authorize them "to locate and survey the Aroostook road so that it may strike the Aroostook River at any place between the west line of the third range and the east line of the sixth range of townships west of the east line of the State." The first of these roads has been surveyed and located, and much the greater part of it lies within the undisputed limits of this State south of the sources of the Penobscot River, and it is believed that no part of it lies within territory of which the British Government has ever been in the actual possession since the treaty of 1783. A portion of this road only has yet been opened, and I have no information that any part of it has been opened over territory *claimed* by the British, although it is contemplated to extend it to the Aroostook when it can be done consistently with the public interest. The second road described in the resolve of March 30, 1831, is wholly within the undisputed limits of this State.

A report of the recent proceedings of the land agent in making these roads and

disposing of the timber on the lands of the State has not been received, and his late sickness and death have rendered it impossible at this time to obtain a detailed statement of all that has been done in his official capacity. But it can not be presumed that he has in any particular exceeded his instructions (copies of which are herewith transmitted*), or, in the discharge of his official duties, taken any measures or authorized any acts to be done which could justly be considered as a violation of any known provision of the existing arrangement between the Governments of the United States and Great Britain in regard to the disputed territory.

With high consideration, I have the honor to be, sir, your obedient servant,

SAML. E. SMITH.

Sir Charles R. Vaughan to Mr. McLane.

WASHINGTON, *December 23, 1833.*

Hon. LOUIS MCLANE, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to acknowledge the receipt of the note of the Secretary of State of the United States, in answer to the representation which he was called upon to make respecting proceedings of the States of Massachusetts and Maine in the disputed territory.

To understand correctly the bearings of the roads which those States have resolved to construct requires a more accurate knowledge of the topography of the country through which they are to pass than the undersigned possesses, but he will not fail to transmit a copy of Mr. McLane's note, together with its inclosures, to His Majesty's lieutenant-governor of New Brunswick. In the meantime the undersigned begs leave to observe that the letter from the executive of Maine states that one of the roads surveyed and located lies, for the greater part of it, within the undisputed limits of that State, although it is contemplated to extend it to the Aroostook River. The land agent of Massachusetts is aware that the road from the river Matawamkeag to the Aroostook is the one that has given rise to complaint, and which, he observes, "is now nearly completed." As the Aroostook River, from its source till it falls into the St. John, flows exclusively through the disputed territory, to reach it by a road from the State of Maine must cause an encroachment and be considered an attempt to assume a right of possession in territory which has never yet been set apart from the original possession of Great Britain, on account of the difficulties of ascertaining the boundary according to the treaty of 1783.

With regard to the cutting down and sale of timber, the justification of the land agent at Boston will be submitted to Sir Archibald Campbell, and the undersigned is sure that the grievance complained of (taking away timber which had been seized by the agent from Massachusetts) will be attended to.

The undersigned receives with great satisfaction the assurances of Mr. McLane that "a conciliatory and forbearing disposition prevails on the part of Massachusetts and Maine, and that no measure will be taken or any acts authorized by them which may justly be considered as a violation of the understanding in regard to the disputed territory;" and he can not conclude without begging leave to acknowledge the readiness with which the President directed inquiries to be made and the desire which he has shewn on this and every similar occasion to prevent any encroachment on the disputed territory pending the settlement of the boundary now in progress between the two Governments.

The undersigned has the honor to assure Mr. McLane of his most distinguished consideration.

CHAS. R. VAUGHAN.

*Omitted.

Sir Charles R. Vaughan to Mr. McLane.

WASHINGTON, *February 28, 1834.*

Hon. LOUIS MCLANE, etc.:

The undersigned, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has the honor to communicate to the Secretary of State of the United States the explanation which he has received from the lieutenant-governor of New Brunswick of a transaction complained of by the land agent of Massachusetts in a report communicated to the undersigned in a note from Mr. McLane dated 21st December last.

The complaint arose out of the seizure of timber cut down without authority upon the disputed territory, and which, after having been seized in the first instance by the land agent of Massachusetts, was taken possession of and sold by the British agent intrusted with the preservation of the disputed territory on the northeastern frontier of the United States.

The explanation of this transaction is contained in an extract of a letter to the undersigned from the lieutenant-governor of New Brunswick and the report of Mr. Beckwith, the surveyor-general of that Province, which the undersigned has the honor to inclose in this note.*

The seizure of the timber in the first instance by Mr. Coffin, the land agent of Maine [Massachusetts], was the exercise of authority within the conventional frontier of the Province of New Brunswick, which could not be admitted so long as the northeastern boundary of the United States remains a subject of negotiation; and it appears that the proceeds of the sale of timber unlawfully cut down are carried to account, and the possession of them will be appropriated to the party to which the territory may be adjudged by the settlement of the boundary question.

The undersigned trusts that the explanation which he is now able to give of this transaction will prove satisfactory to the Government of the United States.

The undersigned has the honor to renew to Mr. McLane the assurance of his most distinguished consideration.

CHAS. R. VAUGHAN.

Mr. McLane to Sir Charles R. Vaughan.

DEPARTMENT OF STATE,
Washington, March 4, 1834.

Right Hon. SIR CHARLES R. VAUGHAN, G. C. H.,
Envoy Extraordinary, etc.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, furnishing the explanation of the lieutenant-governor of New Brunswick of a transaction referred to by the land agent of Massachusetts in a letter addressed to his excellency the governor of that Commonwealth, and subsequently communicated to you by this Department in a note dated 21st December last, and to inform you that copies of your communication, together with the documents which accompanied it, will, by direction of the President, be transmitted without unnecessary delay to the executive of the State of Massachusetts.

I pray you to accept the assurance of my distinguished consideration.

LOUIS MCLANE.

Hon. R. M. JOHNSON,
President of the Senate.

WASHINGTON, *January 27, 1838.*

SIR: I transmit herewith, in compliance with the requirements of the second section of the act of March 3, 1837, making appropriations for

*Omitted.

the Indian Department, a communication from the War Department, accompanied by a copy of the report of the agents appointed to inquire what depredations had been committed by the Seminole and Creek Indians on the property of citizens of Florida, Georgia, and Alabama.

M. VAN BUREN.

[The same message was addressed to the Speaker of the House of Representatives.]

WASHINGTON CITY, *February 5, 1838.*

Hon. JAMES K. POLK,

Speaker of the House of Representatives.

SIR: I have the honor to transmit to you a report from the Secretary of the Navy, prepared in obedience to a resolution of the House of Representatives of the 7th December last, requiring information as to the causes which have delayed the outfit and preparation of the South Sea surveying and exploring expedition.

M. VAN BUREN.

WASHINGTON, *February, 1838.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 20th instant, I transmit a report from the Secretary of State, which is accompanied by a copy and translation of the pamphlet* requested in that resolution.

M. VAN BUREN.

WASHINGTON, *February 17, 1838.*

To the Senate:

I transmit for your constitutional action articles of a treaty concluded on the 23d ultimo with the Chippewas of Saganaw, accompanied by a communication from the Secretary of War.

M. VAN BUREN.

WASHINGTON, *February 17, 1838.*

To the Senate:

I transmit for your consideration a communication from the Secretary of War, respecting a treaty now before you with the Stockbridge and Munsee Indians.

M. VAN BUREN

* Issued by Manuel E. de Gorostiza, formerly minister from Mexico, before his departure from the United States, containing the correspondence between the Department of State and the Mexican legation relative to the passage of the Sabine River by troops under the command of General Gaines.

WASHINGTON, *March, 1838.*

Hon. J. K. POLK,
Speaker of the House of Representatives.

SIR: The inclosed report and accompanying papers from the Secretary of War contain all the information required by the resolution of the House of Representatives of the 5th instant, respecting the present state of the campaign in Florida and the disposition of the Indians to treat for peace.

Very respectfully, your most obedient servant,

M. VAN BUREN.

WASHINGTON, *March 12, 1838.*

To the House of Representatives:

I transmit for the consideration of Congress a report from the Secretary of State, with the accompanying documents, relative to an application made by the minister of France in behalf of Captain Beziers for remuneration for services in saving the captain and crew of an American vessel wrecked in the bay of Cadiz in the year 1825.

I am happy to evince my high sense of the humane and intrepid conduct of Captain Beziers by presenting his case to Congress, to whom alone it belongs to determine upon the expediency of granting his request.

M. VAN BUREN.

WASHINGTON, *March 13, 1838.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In compliance with a resolution of the House of Representatives of the 17th of February, I transmit a report* of the Secretary of State, with the accompanying documents, which contain the information requested.

M. VAN BUREN.

WASHINGTON, *March 14, 1838.*

The PRESIDENT OF THE SENATE:

I transmit to the Senate a treaty of commerce and navigation between the United States and His Majesty the King of Greece, concluded at London on the 22d day of December last, together with a copy of the documents relating to the negotiation of the same, for the constitutional consideration of the Senate in reference to its ratification.

M. VAN BUREN.

WASHINGTON, *March 15, 1838.*

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 5th instant, I transmit a report† from the Secretary of State, to whom the resolution was referred, with the documents by which the said report was accompanied.

M. VAN BUREN.

*Relating to a ship canal across the Isthmus of Darien.

†Relating to the prosecution of the claim of the United States to the bequest made by James Smithson.

WASHINGTON, *March, 1838.*

To the House of Representatives of the United States:

I transmit a copy and translation of a letter from Mr. Pontois, the minister plenipotentiary from France to this Government, addressed to the Secretary of State, and communicating a memorial to me from the trustees of the former house of Lafitte & Co., of Paris, complaining of the rejection of a claim preferred in behalf of that house before the commissioners under the convention with France of the 4th of July, 1831, and asking redress.

The commission created by the act for carrying that convention into effect has expired. The fund provided by it has been distributed among those whose claims were admitted. The Executive has no power over the subject. If the memorialists are entitled to relief, it can be granted by Congress alone, to whom, in compliance with the request of the trustees, that question is now submitted for decision.

M. VAN BUREN.

WASHINGTON, *March 19, 1838.*

To the House of Representatives of the United States:

I transmit a report* from the Secretary of State, to whom the resolution of the House of Representatives of the 5th instant was referred, with the documents by which the said report was accompanied.

M. VAN BUREN.

WASHINGTON, *March 20, 1838.*

To the Senate of the United States:

I herewith transmit to the Senate of the United States a report from the Secretary of State, accompanied by a copy of the correspondence requested by their resolution of the 5th ultimo.

M. VAN BUREN.

DEPARTMENT OF STATE,
Washington, March 7, 1838.

The PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the Senate of the 5th of February, requesting the President of the United States to communicate to that body, in such manner as he shall deem proper, all the correspondence recently received and had between this and the Governments of Great Britain and the State of Maine on the subject of the northeastern boundary, has the honor to report to the President the accompanying copy of letters, which comprise all the correspondence in the Department asked for by the resolution.

Respectfully submitted.

JOHN FORSYTH.

*Relating to high duties and restrictions on tobacco imported into foreign countries from the United States, etc.

Mr. Fox to Mr. Forsyth.

WASHINGTON, *January 10, 1838.*

Hon. JOHN FORSYTH, etc.:

The undersigned, Her Britannic Majesty's envoy extraordinary and minister pleni potentiary, is directed by his Government to make the following observations to Mr. Forsyth, Secretary of State of the United States, with reference to certain points connected with the question of the northeastern boundary, which question forms the subject of the accompanying note, which the undersigned has the honor this day to address to Mr. Forsyth:

The British Government, with a view to prevail upon that of the United States to come to an understanding with Great Britain upon the river question, had stated that the King of the Netherlands in his award had decided that question according to the British interpretation of it and had expressed his opinion that the rivers which fall into the Bay of Fundy are not to be considered as Atlantic rivers for the purposes of the treaty.

Mr. Forsyth, however, in his note to Sir Charles Vaughan of the 28th of April, 1835, controverts this assertion and maintains that the King of the Netherlands did not in his award express such an opinion, and Mr. Forsyth quotes a passage from the award in support of this proposition.

But it appears to Her Majesty's Government that Mr. Forsyth has not correctly perceived the meaning of the passage which he quotes, for in the passage in question Mr. Forsyth apprehends that the word "*alone*" is governed by the verb "*include*," whereas an attentive examination of the context will show that the word "*alone*" is governed by the verb "*divide*," and that the real meaning of the passage is this: That the rivers flowing north and south from the highlands claimed by the United States may be arranged in two genera, the first genus comprehending the rivers which fall into the St. Lawrence, the second genus comprehending those whose waters in some manner or other find their way into the Atlantic; but that even if, according to this general classification and in contradistinction from rivers flowing into the St. Lawrence, the rivers which fall into the bays of Chaleurs and Fundy might be comprised in the same genus with the rivers which fall directly into the Atlantic, still the St. John and the Restigouche form a distinct species by themselves and do not belong to the species of rivers which fall *directly* into the Atlantic, for the St. John and Restigouche are not divided in company with any such last-mentioned rivers. And the award goes on to say that, moreover, if this distinction between the two species were confounded an erroneous interpretation would be applied to a treaty in which every separate word must be supposed to have a meaning, and a generic distinction would be given to cases which are purely specific.

The above appears to be the true meaning of the passage quoted by Mr. Forsyth; but if that passage had not been in itself sufficiently explicit, which Her Majesty's Government think it is, the passage which immediately follows it would remove all doubt as to what the opinion of the King of the Netherlands was upon the river question, for that passage, setting forth reasons against the line of boundary claimed by the United States, goes on to say that such line would not even separate the St. Lawrence rivers immediately from the St. John and Restigouche, and that thus the rivers which this line would separate from the St. Lawrence rivers would need, *in order to reach the Atlantic*, the aid of *two intermediaries*—first, the rivers St. John and Restigouche, and, *secondly, the bays of Chaleurs and Fundy.*

Now it is evident from this passage that the King of the Netherlands deemed the bays of Fundy and Chaleurs to be, for the purposes of the treaty, as distinct and separate from the Atlantic Ocean as are the rivers St. John and Restigouche, for he specifically mentions those rivers and those bays as the channels through which certain rivers would have to pass in their way from the northern range of dividing

highlands down to the Atlantic Ocean; and it is clear that he considers that the waters of those highland rivers would not reach the Atlantic Ocean until after they had traveled through the whole extent either of the Restigouche and the Bay of Chaleurs or of the St. John and the Bay of Fundy, as the case might be; and for this reason, among others, the King of the Netherlands declared it to be his opinion that the line north of the St. John claimed by the United States is not the line intended by the treaty.

The undersigned avails himself of this occasion to renew to Mr. Forsyth the assurances of his high respect and consideration.

H. S. FOX.

Mr. Fox to Mr. Forsyth.

WASHINGTON, *January 15, 1838.*

Hon. JOHN FORSYTH, etc.:

The undersigned, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, has received the orders of his Government to make the following communication to the Secretary of State of the United States with reference to the question pending between the two Governments upon the subject of the northeastern boundary:

The undersigned is, in the first instance, directed to express to Mr. Forsyth the sincere regret of Her Majesty's Government that the long-continued endeavors of both parties to come to a settlement of this important matter have hitherto been unavailing. Her Majesty's Government feel an undiminished desire to cooperate with the Cabinet of Washington for the attainment of an object of so much mutual interest, and they learn with satisfaction that their sentiments upon this point are fully shared by the actual President of the United States.

The communications which during the last few years have taken place between the two Governments with reference to the present subject, if they have not led to the solution of the questions at issue, have at least narrowed the field of future discussion.

Both Governments have agreed to consider the award of the King of the Netherlands as binding upon neither party, and the two Governments, therefore, are as free in this respect as they were before the reference to that Sovereign was made. The British Government, despairing of the possibility of drawing a line that shall be in literal conformity with the words of the treaty of 1783, has suggested that a conventional boundary should be substituted for the line described by the treaty, and has proposed that in accordance with the principles of equity and in pursuance of the general practice of mankind in similar cases the object of difference should be equally divided between the two differing parties, each of whom is alike convinced of the justice of its own claim.

The United States Government has replied that to such an arrangement it has no power to agree; that until the line of the treaty shall have been otherwise determined the State of Maine will continue to assume that the line which it claims is the true line of 1783, and will assert that all the land up to that line is territory of Maine; that consequently such a division of the disputed territory as is proposed by Great Britain would be considered by Maine as tantamount to a cession of what that State regards as a part of its own territory, and that the Federal Government has no power to agree to such an arrangement without the consent of the State concerned.

Her Majesty's Government exceedingly regrets that such an obstacle should exist to prevent that settlement which under all the circumstances of the case appears to be the simplest, the readiest, the most satisfactory, and the most just. Nor can Her Majesty's Government admit that the objection of the State of Maine is well founded, for the principle on which that objection rests is as good for Great Britain as it is for Maine. If Maine thinks itself entitled to contend that until the true line described in the treaty is determined the boundary claimed by Maine must be regarded as the

right one, Great Britain is surely still more entitled to insist upon a similar pretension, and to assert that until the line of the treaty shall be established to the satisfaction of both parties the whole of the disputed territory ought to be considered as belonging to the British Crown, because Great Britain is the original possessor, and all the territory which has not been proved to have been by treaty ceded by her must be looked upon as belonging to her still. But the very existence of such conflicting pretensions seems to point out the expediency of a compromise, and what compromise can be more fair than that which would give to each party one-half of the subject-matter of dispute?

A conventional line different from that described in the treaty was agreed to, as stated by Mr. Forsyth in his note of the 28th of April, 1835, with respect to the boundary westward from the Lake of the Woods. Why should such a line not be agreed to likewise for the boundary eastward from the river Connecticut?

Her Majesty's Government can not refrain from again pressing this proposition upon the serious consideration of the Government of the United States as the arrangement which would be best calculated to effect a prompt and satisfactory settlement between the two powers.

The Government of the United States, indeed, while it expressed a doubt of its being able to obtain the assent of Maine to the above-mentioned proposal, did, nevertheless, express its readiness to apply to the State of Maine for the assent of that State to the adoption of another conventional line, which should make the river St. John from its source to its mouth the boundary between the two countries. But it is difficult to understand upon what grounds any expectation could have been formed that such a proposal could be entertained by the British Government, for such an arrangement would give to the United States even greater advantages than they would obtain by an unconditional acquiescence in their claim to the whole of the disputed territory, because such an arrangement would, in the first place, give to Maine all that part of the disputed territory which lies to the south of the St. John, and would, in the next place, in exchange for the remaining part of the disputed territory which lies to the north of the St. John, add to the State of Maine a large district of New Brunswick lying between the United States boundary and the southern part of the course of the St. John—a district smaller, indeed, in extent, but much more considerable in value, than the portion of the disputed territory which lies to the north of the St. John.

But with respect to a conventional line generally, the Government of Washington has stated that it has not at present the powers constitutionally requisite for treating for such a line and has no hopes of obtaining such powers until the impossibility of establishing the line described by the treaty shall have been completely demonstrated by the failure of another attempt to trace that line by a local survey.

Under these circumstances it appears that a conventional line can not at present be agreed upon, and that such a mode of settlement is in the existing state of the negotiation impossible.

Thus, then, the award of the King of the Netherlands has been abandoned by both parties in consequence of its rejection by the American Senate, and a negotiation between the two Governments for a conventional line suited to the interests and convenience of the two parties has for the present been rendered impossible by difficulties arising on the part of the United States; and both Governments are alike averse to a new arbitration. In this state of things the Government of the United States has proposed to the British cabinet that another attempt should be made to trace out a boundary according to the letter of the treaty, and that a commission of exploration and survey should be appointed for that purpose.

Her Majesty's Government have little expectation that such a commission could lead to any useful result, and on that account would be disposed to object to the measure; but at the same time they are so unwilling to reject the only plan now left

which seems to afford a chance of making any further advance in this long-pending matter that they will not withhold their consent to such a commission if the principle upon which it is to be formed and the manner in which it is to proceed can be satisfactorily settled.

The United States Government have proposed two modes in which such a commission might be constituted: First, that it might consist of commissioners named in equal numbers by each of the two Governments, with an umpire to be selected by some friendly European power; secondly, that it might be entirely composed of scientific Europeans, to be selected by a friendly sovereign, and might be accompanied in its operations by agents of the two different parties, in order that such agents might give to the commissioners assistance and information.

If such a commission were to be appointed, Her Majesty's Government think that the first of these two modes of constructing it would be the best, and that it should consist of members chosen in equal numbers by each of the two Governments. It might, however, be better that the umpire should be selected by the members of the commission themselves rather than that the two Governments should apply to a third power to make such a choice.

The object of this commission, as understood by Her Majesty's Government, would be to explore the disputed territory in order to find within its limits dividing highlands which may answer the description of the treaty, the search being first to be made in the due north line from the monument at the head of the St. Croix, and if no such highlands should be found in that meridian the search to be then continued to the westward thereof; and Her Majesty's Government have stated their opinion that in order to avoid all fruitless disputes as to the character of such highlands the commissioners should be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty.

The United States Secretary of State, in his note of the 5th of March, 1836, expresses a wish to know how the report of the commissioners would, according to the views of Her Majesty's Government, be likely when rendered to lead to an ultimate settlement of the question of boundary between the two Governments.

In reply to this inquiry Her Majesty's Government would beg to observe that the proposal to appoint a commission originated not with them, but with the Government of the United States, and that it is therefore rather for the Government of the United States than for that of Great Britain to answer this question.

Her Majesty's Government have themselves already stated that they have little expectation that such a commission could lead to any useful result, and that they would on that account be disposed to object to it; and if Her Majesty's Government were now to agree to appoint such a commission it would be only in compliance with the desire so strongly expressed by the Government of the United States, and in spite of doubts (which Her Majesty's Government still continue to entertain) of the efficacy of the measure.

But with respect to the way in which the report of the commission might be likely to lead to an ultimate settlement of the question, Her Majesty's Government, in the first place, conceive that it was meant by the Government of the United States that if the commission should discover highlands answering to the description of the treaty a connecting line drawn from these highlands to the head of the St. Croix should be deemed to be a portion of the boundary line between the two countries. But Her Majesty's Government would further beg to refer the United States Secretary of State to the notes of Mr. McLane of the 5th of June, 1833, and of the 11th and 28th of March, 1834, on this subject, in which it will be seen that the Government of the United States appears to have contemplated as one of the possible results of the proposed commission of exploration that such additional information might possibly be obtained respecting the features of the country in the district to which the treaty relates as might remove all doubt as to the impracticability of laying down a boundary in accordance with the letter of the treaty.

And if the investigations of the proposed commission should show that there is no reasonable prospect of finding a line strictly conformable with the description contained in the treaty of 1783, the constitutional difficulties which now prevent the United States from agreeing to a conventional line may possibly be removed, and the way may thus be prepared for the satisfactory settlement of the difference by an equitable division of the disputed territory.

But if the two Governments should agree to the appointment of such a commission it would be necessary that their agreement should be first recorded in a convention, and it would obviously be indispensable that the State of Maine should be an assenting party to the arrangement.

The undersigned, in making the above communication by order of Her Majesty's Government to the United States Secretary of State, Mr. Forsyth, has the honor to renew to him the assurance of his high respect and consideration.

H. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, February 6, 1838.

HENRY S. FOX, Esq., etc.:

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Fox, envoy extraordinary and minister plenipotentiary of Her Britannic Majesty of the 10th ultimo, in which he presents, by direction of his Government, certain observations in respect to the construction to be given to that part of the award of the arbiter on the question of the northeastern boundary which relates to the character in which the rivers St. John and Restigouche are to be regarded in reference to that question. Sir Charles Vaughan, in his note to Mr. McLane of February 10, 1834, alleged that although the arbiter had not decided the first of the three main questions proposed to him, yet that he had determined certain subordinate points connected with that question upon which the parties had entertained different views, and among others that the rivers St. John and Restigouche could not be considered, according to the meaning of the treaty, as "rivers flowing into the Atlantic." The undersigned, in his note to Sir Charles R. Vaughan of the 28th of April, 1835, questioned the correctness of the interpretation which had been given by Sir Charles to the award of the arbiter in this particular, and after quoting that part of the award to which Sir Charles was supposed to refer as containing the determination by the arbiter of the point just mentioned observed that it could not but appear from further reflection to Sir Charles that the declaration that the rivers St. John and Restigouche could not be *alone* taken into view without hazard in determining the disputed boundary was not the expression of an opinion that they should be altogether excluded in determining that question; or, in other words, that they could not be looked upon as rivers emptying into the Atlantic. The remarks presented by Mr. Fox in the note to which this is a reply are designed to shew a misconception on the part of the undersigned of the true meaning of the passage cited by him from the award and to support the construction which was given to it by Sir Charles Vaughan. Whether the apprehension entertained by the one party or the other of the opinion of the arbiter upon this minor point be correct is regarded by the undersigned as a matter of no consequence in the settlement of the main question. The Government of the United States never having acquiesced in the decision of the arbiter that "the nature of the difference and the vague and not sufficiently determinate stipulations of the treaty of 1783 do not permit the adjudication of either of the two lines respectively claimed by the interested parties to one of the said parties without wounding the principles of law and equity with regard to the other," can not consent to be governed in the prosecution of the existing

negotiation by the opinion of the arbiter upon any of the preliminary points about which there was a previous difference between the parties, and the adverse decision of which has led to so unsatisfactory and, in the view of this Government, so erroneous a conclusion. This determination on the part of the United States not to adopt the premises of the arbiter while rejecting his conclusion has been heretofore made known to Her Majesty's Government, and while it remains must necessarily render the discussion of the question what those premises were unavailing, if not irrelevant. The few observations which the undersigned was led to make in the course of his note to Sir Charles Vaughan upon one of the points alleged to have been thus determined were prompted only by a respect for the arbiter and a consequent anxiety to remove a misinterpretation of his meaning, which alone, it was believed, could induce the supposition that the arbiter, in searching for the rivers referred to in the treaty as designating the boundary, could have come to the opinion that the two great rivers whose waters pervaded the whole district in which the search was made and constituted the most striking objects of the country had been entirely unnoticed by the negotiators of the treaty and were to be passed over unheeded in determining the line, while others were to be sought for which he himself asserts could not be found. That the imputation of such an opinion to the respected arbiter could only be the result of misinterpretation seemed the more evident, as he had himself declared that "it could not be sufficiently explained how, if the high contracting parties intended in 1783 to establish the boundary at the south of the river St. John, that river, to which the territory in dispute was in a great measure indebted for its distinctive character, had been neutralized and set aside." It is under the influence of the same motives that the undersigned now proceeds to make a brief comment upon the observations contained in Mr. Fox's note of the 10th ultimo, and thus to close a discussion which it can answer no purpose to prolong.

The passage from the award of the arbiter quoted by the undersigned in his note of the 28th April, 1835, to Sir Charles Vaughan, and the true meaning of which Mr. Fox supposes to have been misconceived, is the following: "If in contradistinction to the rivers that empty themselves into the river St. Lawrence it had been proper, agreeably to the language ordinarily used in geography, to comprehend the rivers falling into the bays Fundy and Des Chaleurs with those emptying themselves directly into the Atlantic Ocean in the generical denomination of rivers falling into the Atlantic Ocean it would be hazardous to include into the species belonging to that class the rivers St. John and Restigouche, which the line claimed at the north of the river St. John divides *immediately* from rivers emptying themselves into the river St. Lawrence, not with other rivers falling into the Atlantic Ocean, but *alone*, and thus to apply in interpreting the delimitation established by a treaty, where each word must have a meaning, to two exclusively special cases, and where no mention is made of the genus (*genre*), a generical expression which would ascribe to them a broader meaning," etc.

It was observed by the undersigned that this passage did not appear to contain an expression of opinion by the arbiter that the rivers St. John and Restigouche should be altogether excluded in determining the question of disputed boundary, or, in other words, that they could not be looked upon as "rivers emptying into the Atlantic." Mr. Fox alleges this to be a misconception of the meaning of the arbiter, and supposes it to have arisen from an erroneous apprehension by the undersigned that the word "*alone*" is governed by the verb "*include*," whereas he thinks that an attentive examination of the context will shew that the word "*alone*" is governed by the verb "*divide*," and that the real meaning of the passage is this: "That the rivers flowing north and south from the highlands claimed by the United States may be arranged in two genera, the first genus comprehending the rivers which fall into the St. Lawrence, the second genus comprehending those whose waters in some manner or other find their way into the Atlantic: but that even if, according to the general

classification and in contradistinction from rivers flowing into the St. Lawrence, the rivers which fall into the bays of Chaleurs and Fundy might be comprised in the same genus with the rivers which fall directly into the Atlantic, still the St. John and the Restigouche form a distinct species by themselves and do not belong to the species of rivers which fall *directly* into the Atlantic, for the St. John and Restigouche are not divided in company with any *such last-mentioned rivers.*" The undersigned considers it unnecessary to enter into the question whether according to the context the circumstance expressed by the adverb "alone" has reference to the verb "divide" or to the verb "include," because even allowing it to refer to the former it does not appear to the undersigned that his interpretation of the passage is thereby impaired or that of Mr. Fox sustained. The undersigned conceives that the arbiter contemplated two different *species* of rivers as admissible into the *genus* of those which "fall into the Atlantic," to wit, those which fall *directly* into the Atlantic and those which fall into it *indirectly;* that the arbiter was further of opinion, though at variance with the idea entertained in that respect by the United States, that the rivers St. John and Restigouche, emptying their waters into the bays of Fundy and Des Chaleurs, did not belong to the species of rivers falling *directly* into the Atlantic; that if they were considered *alone*, therefore, the appellation of "rivers falling into the Atlantic Ocean" could not be regarded as applicable to them, because, to use the language of the award, it would be "applying to two exclusively special cases, where no mention was made of the genus, a generical expression which would ascribe to them a broader meaning;" but it is not conceived that the arbiter intended to express an opinion that these rivers *might not be included with others* in forming the *genus* of rivers described by the treaty as those which "fall into the Atlantic," and that upon this ground they should be wholly excluded in determining the question of the disputed boundary. While, therefore, the undersigned agrees with Mr. Fox that the arbiter did not consider these rivers as falling directly into the Atlantic Ocean, the undersigned can not concur in Mr. Fox's construction when he supposes the arbiter to give as a reason for this that they are not divided in company with any *such last-mentioned rivers*—that is, with rivers falling *directly* into the Atlantic. Conceding as a point which it is deemed unnecessary for the present purpose to discuss that the grammatical construction of the sentence contended for by Mr. Fox is the correct one, the arbiter is understood to say only that those rivers are not divided *immediately* with others falling into the Atlantic, either directly or indirectly, but he does not allege this to be a sufficient reason for excluding them when connected with other rivers divided mediately from those emptying into the St. Lawrence from the genus of rivers "falling into the Atlantic." On the contrary, it is admitted in the award that the line claimed to the north of the St. John divides the St. John and Restigouche in company with the Schoodic Lakes, the Penobscot, and the Kennebec, which are stated as emptying themselves *directly* into the Atlantic; and it is strongly implied in the language used by the arbiter that the first-named rivers might, in his opinion, be classed for the purposes of the treaty with those last named, though not in the same *species*, yet in the same *genus* of "Atlantic rivers."

The reason why the St. John and Restigouche were not permitted to determine the question of boundary in favor of the United States is understood to have been, not that they were to be wholly excluded as rivers not falling into the Atlantic Ocean, as Mr. Fox appears to suppose, but because in order to include them in that genus of rivers they must be considered in connection with other rivers which were not divided *immediately*, like themselves, from the rivers falling into the St. Lawrence, but *mediately* only; which would introduce the principle that the treaty of 1783 meant highlands that divide as well mediately as immediately the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean—a principle which the arbiter did not reject as unfounded or erroneous, but which, considered in connection with the other points which he had decided, he regarded

as *equally realized by both lines*, and therefore as constituting an equal weight in either scale, and consequently affording him no assistance in determining the dispute between the respective parties.

The arbiter appears to the undersigned to have viewed the rivers St. John and Restigouche as possessing both a specific and a generic character; that considered *alone* they were *specific*, and the designation in the treaty of "rivers falling into the Atlantic" was inapplicable to them; that considered *in connection with other rivers* they were *generic* and were embraced in the terms of the treaty, but that as their connection with other rivers would bring them within a principle which, according to the views taken by him of other parts of the question, was equally realized by both lines, it would be hazardous to allow them any weight in deciding the disputed boundary. It has always been contended by this Government that the rivers St. John and Restigouche were to be considered in connection with the Penobscot and Kennebec in determining the highlands called for by the treaty, and the arbiter is not understood to deny to them, when thus connected, the character of "rivers falling into the Atlantic Ocean."

This construction of the arbiter's meaning, derived from the general tenor of the context, it will be perceived, is not invalidated by the next succeeding paragraph cited by Mr. Fox, in which the bays of Fundy and Des Chaleurs are spoken of as *intermediaries* whereby the rivers flowing into the St. John and Restigouche reach the Atlantic Ocean, inasmuch as such construction admits the opinion of the arbiter to have been that the St. John and Restigouche do not fall *directly* into the Atlantic, and that they thus constitute a *species* by themselves, while it denies that they are therefore excluded by the arbiter from the genus of "rivers falling into the Atlantic."

The undersigned avails himself of this opportunity to renew to Mr. Fox the assurance of his distinguished consideration.

JOHN FORSYTH.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, February 7, 1838.

HENRY S. FOX, Esq., etc.:

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him on the 10th ultimo by Mr. Fox, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at Washington, with regard to the question pending between the two Governments upon the subject of the northeastern boundary, and to inform him that his communication has been submitted to the President. It has received from him the attentive examination due to a paper expected to embody the views of Her Britannic Majesty's Government in reference to interests of primary importance to both countries. But whilst the President sees with satisfaction the expression it contains of a continued desire on the part of Her Majesty's Government to cooperate with this in its earnest endeavors to arrange the matter of dispute between them, he perceives with feelings of deep disappointment that the answer now presented to the propositions made by this Government with the view of effecting that object, after having been so long delayed, notwithstanding the repeated intimations that it was looked for here with much anxiety, is so indefinite in its terms as to render it impracticable to ascertain without further discussion what are the real wishes and intentions of Her Majesty's Government respecting the proposed appointment of a commission of exploration and survey to trace out a boundary according to the letter of the treaty of 1783. The President, however, for the purpose of placing in the possession of the State of Maine the views of Her Majesty's Government as exhibited in Mr. Fox's note, and of ascertaining the sense of the State authorities upon the expediency of meeting those views

so far as they are developed therein, has directed the undersigned to transmit a copy of it to Governor Kent for their consideration. This will be accordingly done without unnecessary delay, and the result when obtained may form the occasion of a further communication to Her Majesty's minister.

In the meantime the undersigned avails himself of the present occasion to offer a few remarks upon certain parts of Mr. Fox's note of the 10th ultimo. After adverting to the suggestion heretofore made by the British Government that a conventional line equally dividing the territory in dispute between the two parties should be substituted for the line described by the treaty, and regretting the constitutional incompetency of the Federal Government to agree to such an arrangement without the consent of the State of Maine, Mr. Fox refers to the conventional line adopted, although different from that designated by the treaty, with respect to the boundary westward from the Lake of the Woods, and asks, "Why should such a line not be agreed to likewise for the boundary eastward from the river Connecticut?" The reply to this question is obvious. The parallel of latitude adopted on the occasion referred to as a conventional substitute for the treaty line passed over territory within the exclusive jurisdiction of the General Government without trenching upon the rights or claims of any individual member of the Union, and the legitimate power of the Government, therefore, to agree to such line was perfect and unquestioned. Now in consenting to a conventional line for the boundary eastward from the river Connecticut the Government of the United States would transcend its constitutional powers, since such a measure could only be carried into effect by violating the jurisdiction of a sovereign State of the Union and by assuming to alienate, without the color of rightful authority to do so, a portion of the territory claimed by the State.

With regard to the suggestion made by the undersigned in his note of the 29th of February, 1836, of the readiness of the President to apply to the State of Maine for her assent to the adoption of a conventional line making the river St. John, from its source to its mouth, the boundary between the United States and the adjacent British Provinces, Mr. Fox thinks it difficult to understand upon what grounds an expectation could have been formed that such a proposal could be entertained by the British Government, since such an arrangement would give to the United States even greater advantages than would be obtained by an unconditional acquiescence in their claim to the whole territory in dispute. In making the suggestion referred to, the undersigned expressly stated to Mr. Bankhead that it was offered, as the proposition on the part of Great Britain that led to it was supposed to have been, without regard to the mere question of acres—the extent of territory lost or acquired by the respective parties. The suggestion was submitted in the hope that the preponderating importance of terminating at once and forever this controversy by establishing an unchangeable and definite and indisputable boundary would be seen and acknowledged by Her Majesty's Government, and have a correspondent weight in influencing its decision. That the advantages of substituting a river for a highland boundary could not fail to be recognized was apparent from the fact that Mr. Bankhead's note of 28th December, 1835, suggested the river St. John from the point in which it is intersected by a due north line drawn from the monument at the head of the St. Croix to the southernmost source of that river as a part of the general outline of a conventional boundary. No difficulty was anticipated on the part of Her Majesty's Government in understanding the grounds upon which such a proposal was expected to be entertained by it, since the precedent proposition of Mr. Bankhead, just adverted to, although professedly based on the principle of an equal division between the parties, could not be justified by it, as it would have given nearly two-thirds of the disputed territory to Her Majesty's Government. It was therefore fairly presumed that the river line presented, in the opinion of Her Majesty's Government, advantages sufficient to counterbalance any loss of territory by either party that would follow its adoption as a boundary. Another recommendation of the river

line, it was supposed, would be found by Her Majesty's Government in the fact that whilst by its adoption the right of jurisdiction alone would have been yielded to the United States over that portion of New Brunswick south of the St. John, Great Britain would have acquired the right of soil as well as of jurisdiction of the whole portion of the disputed territory north of the river. It is to be lamented that the imposing considerations alluded to have failed in their desired effect—that the hopes of the President in regard to them have not been realized, and consequently that Her Britannic Majesty's Government is not prepared at present to enter into an arrangement of the existing difference between the two nations upon the basis proposed.

It would seem to the undersigned, from an expression used in Mr. Fox's late communication, that some misapprehension exists on his part either as to the object of this Government in asking for information relative to the manner in which the report of a commission of exploration and survey might tend to a practical result in the settlement of the boundary question or as to the distinctive difference between the American proposal for the appointment of such a commission and the same proposition when modified to meet the wishes of Her Majesty's Government. Of the two modes suggested, by direction of the President, for constituting such a commission, the first is that which is regarded by Her Majesty's Government with most favor, viz, the commissioners to be chosen in equal numbers by each of the two parties, with an umpire selected by some friendly European sovereign to decide on all points on which they might disagree, with instructions to explore the disputed territory in order to find within its limits dividing highlands answering to the description of the treaty of 1783, in a due north or northwesterly direction from the monument at the head of the St. Croix, and that a right line drawn between such highlands and said monument should form so far as it extends a part of the boundary between the two countries, etc. It is now intimated that Her Majesty's Government will not withhold its consent to such a commission "if the principle upon which it is to be formed and the manner in which it is to proceed can be satisfactorily settled." This condition is partially explained by the suggestion afterwards made that instead of leaving the umpire to be chosen by some friendly European power it might be better that he should be elected by the members of the commission themselves, and a modification is then proposed that "the commission shall be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty." The American proposition is intended—and if agreed to would doubtless be successful—to decide the question of boundary definitively by the adoption of the highlands reported by the commissioners of survey, and would thus secure the treaty line. The British modification looks to no such object. It merely contemplates a commission of boundary analogous to that appointed under the fifth article of the treaty of Ghent, and would in all probability prove equally unsatisfactory in practice. Whether highlands such as are described in the treaty do or do not exist, it can scarcely be hoped that those called for by the modified instructions could be found. The fact that this question is still pending, although more than half a century has elapsed since the conclusion of the treaty in which it originated, renders it in the highest degree improbable that the two Governments can unite in believing that either the one or the other of the ranges of highlands claimed by the respective parties fulfills the required conditions of that instrument. The opinions of the parties have been over and over again expressed on this point and are well known to differ widely. The commission can neither reconcile nor change these variant opinions resting on conviction, nor will it be authorized to decide the difference. Under these impressions of the inefficiency of such a commission was the inquiry made in the letter of the undersigned of 5th March, 1836, as to the manner in which the report of the commission, as proposed to be constituted and instructed by Her Majesty's Government, was expected to lead to an ultimate settlement of the question of boundary. The results which the American proposition promised to secure were

fully and frankly explained in previous notes from the Department of State, and had its advantages not been clearly understood this Government would not have devolved upon that of Her Majesty the task of illustrating them. Mr. Fox will therefore see that although the proposal to appoint a commission had its origin with this Government the modification of the American proposition was, as understood by the undersigned, so fundamentally important that it entirely changed its nature, and that the supposition, therefore, that it was rather for the Government of the United States than for that of Great Britain to answer the inquiry referred to is founded in misapprehension. Any decision made by a commission constituted in the manner proposed by the United States and instructed to seek for the highlands of the treaty of 1783 would be binding upon this Government and could without unnecessary delay be carried into effect; but if the substitute presented by Her Majesty's Government be insisted on and its principles be adopted, a resort will then be necessary to the State of Maine for her assent to all proceedings hereafter in relation to this matter, since if any arrangement can be made under it it can only be for a conventional line, to which she must of course be a party.

The undersigned, in conclusion, is instructed to inform Mr. Fox that if a negotiation be entertained at all upon the inconclusive and unsatisfactory basis afforded by the British counter proposition or substitute, which possesses hardly a feature in common with the American proposition, the President will not venture to invite it unless the authorities of the State of Maine, to whom, as before stated, it will be forthwith submitted, shall think it more likely to lead to a final adjustment of the question of boundary than the General Government deems it to be, though predisposed to see it in the most favorable light.

The undersigned avails himself of the occasion to renew to Mr. Fox the assurance of his distinguished consideration.

JOHN FORSYTH.

DEPARTMENT OF STATE,
Washington, March 1, 1838.

His Excellency EDWARD KENT,
Governor of the State of Maine.

SIR: The discussions between the Federal Government and that of Great Britain in respect to the northeastern boundary of the United States have arrived at a stage in which the President thinks it due to the State of Maine and necessary to the intelligent action of the General Government to take the sense of that State in regard to the expediency of opening a direct negotiation for the establishment of a conventional line, and if it should deem an attempt to adjust the matter of controversy in that form advisable, then to ask its assent to the same. With this view and to place the government of Maine in full possession of the present state of the negotiation and of all the discussions that have been had upon the subject, the accompanying documents are communicated, which, taken in connection with those heretofore transmitted, will be found to contain that information.

The principles which have hitherto governed every successive Administration of the Federal Government in respect to its powers and duties in the matter are—

First. That it has power to settle the boundary line in question with Great Britain upon the principles and according to the stipulations of the treaty of 1783, either by direct negotiation or, in case of ascertained inability to do so, by arbitration, and that it is its duty to make all proper efforts to accomplish this object by one or the other of those means.

Second. That the General Government is not competent to negotiate, unless, perhaps, on grounds of imperious public necessity, a conventional line involving a cession of territory to which the State of Maine is entitled, or the exchange thereof for other territory not included within the limits of that State according to the true construction of the treaty, without the consent of the State.

In these views of his predecessors in office the President fully concurs, and it is his design to continue to act upon them.

The attention of the Federal Government has, of course, in the first instance been directed to efforts to settle the treaty line. A historical outline of the measures which have been successively taken by it to that end may be useful to the government of Maine in coming to a conclusion on the proposition now submitted. It will, however, be unnecessary here to do more than advert to the cardinal features of this protracted negotiation.

The treaty of peace between the United States of America and His Britannic Majesty, concluded at Paris in September, 1783, defines the boundaries of the said States, and the following words, taken from the second article of that instrument, are intended to designate a part of the boundary between those States and the British North American Provinces, viz: "From the northwest angle of Nova Scotia, viz, that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River;" * * * "east by a line to be drawn along the middle of the river St. Croix from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence." An immediate execution of some of the provisions of this treaty was, however, delayed by circumstances on which it is now unnecessary to dwell, and in November, 1794, a second treaty was concluded between the two powers. In the meantime, doubts having arisen as to what river was truly intended under the name of the St. Croix mentioned in the treaty of peace and forming a part of the boundary therein described, this question was referred by virtue of the fifth article of the new treaty to the decision of a commission appointed in the manner therein prescribed, both parties agreeing to consider such decision final and conclusive. The commissioners appointed in pursuance of the fifth article of the treaty of 1794 decided by their declaration of October 25, 1798, that the northern branch (Cheputnaticook) of a river called Scoodiac was the true river St. Croix intended by the treaty of peace.

At the date of the treaty of Ghent, December 24, 1814, the whole of the boundary line from the source of the river St. Croix to the most northwesternmost point of the Lake of the Woods still remained unascertained, and it was therefore agreed to provide for a final adjustment thereof. For this purpose the appointment of commissioners was authorized by the fifth article of the treaty of Ghent, with power to ascertain and determine the northwest angle of Nova Scotia and the northwesternmost head of Connecticut River, in conformity with the provisions of the treaty of 1783, and to cause the boundary from the source of the river St. Croix to the river Iroquois or Cateraguy to be surveyed and marked according to the said provisions, etc. In the event of the commissioners differing, or both or either of them failing to act, the same article made provision for a reference to a friendly sovereign or state. Commissioners were appointed under this article in 1815-16, but although their sessions continued several years, they were unable to agree on any of the matters referred to them. Separate reports were accordingly made to both Governments of the two commissioners in 1822, stating the points on which they differed and the grounds upon which their respective opinions had been formed. The case having thus happened which made it necessary to refer the points of difference to a friendly sovereign or state, it was deemed expedient by the parties to regulate this reference by a formal arrangement. A convention for the purpose was therefore concluded on the 29th of September, 1827, and the two Governments subsequently agreed in the choice of His Majesty the King of the Netherlands as arbiter, who consented to act as such. The submission of the points of difference, three in number, was

accordingly made to that Sovereign, and his award, or rather written opinion on the questions submitted to him, was rendered on the 10th of January, 1831. On the 7th of December following the President communicated the award of the arbiter to the Senate of the United States for the advice and consent of that body as to its execution, and at the same time intimated the willingness of the British Government to abide by it. The result was a determination on the part of the Senate not to consider the decision of His Netherland Majesty obligatory and a refusal to advise and consent to its execution. They, however, passed a resolution in June, 1832, advising the President to open a new negotiation with His Britannic Majesty's Government for the ascertainment of the boundary between the possessions of the two powers on the northeastern frontier of the United States according to the definitive treaty of peace. Of the negotiation subsequent to this event it is deemed proper to take a more particular notice.

In July the result of the action of the Senate in relation to the award was communicated to Mr. Bankhead, the British chargé d'affaires, and he was informed that the resolution had been adopted in the conviction that the sovereign arbiter, instead of deciding the questions submitted to him, had recommended a specified compromise of them. The Secretary of State at the same time expressed the desire of the President to enter into further negotiation in pursuance of the resolution of the Senate, and proposed that the discussion should be carried on at Washington. He also said that if the plenipotentiaries of the two parti s should fail in this new attempt to agree upon the line intended by the treaty of 1783 there would probably be less difficulty than before in fixing a convenient boundary, as measures were in progress to obtain from the State of Maine more extensive powers than were before possessed, with a view of overcoming the constitutional obstacles which had opposed themselves to such an arrangement; and he further intimated that the new negotiation would naturally embrace the important question of the navigation of the river St. John.

In April, 1833, Sir Charles R. Vaughan, the British minister, addressed a note to the Department of State, in which, hopeless of finding out by a new negotiation an assumed line of boundary which so many attempts had been fruitlessly made to discover, he wished to ascertain, first, the principle of the plan of boundary which the American Government appeared to contemplate as likely to be more convenient to both parties than those hitherto discussed, and, secondly, whether any, and what, arrangement for avoiding the constitutional difficulty alluded to had yet been concluded with the State of Maine. Satisfactory answers on these points, he said, would enable the British Government to decide whether it would entertain the proposition, but His Majesty's Government could not consent to embarrass the negotiation respecting the boundary by mixing up with it a discussion regarding the navigation of the St. John as an integral part of the same question or as necessarily connected with it.

In reply to this note, Mr. Livingston, under date of the 30th of April, stated that the arrangement spoken of in his previous communication, by which the Government of the United States expected to be enabled to treat for a more convenient boundary, had not been effected, and that as the suggestion in regard to the navigation of the St. John was introduced merely to form a part of the system of compensations in negotiating for such a boundary if that of the treaty should be abandoned, it would not be insisted on.

The proposition of the President for the appointment of a joint commission, with an umpire, to decide upon all points on which the two Governments disagree was then presented. It was accompanied by a suggestion that the controversy might be terminated by the application to it of the rule for surveying and laying down the boundaries of tracts and of countries designated by natural objects, the precise situation of which is not known, viz, that the natural objects called for as terminating points should first be found, and that the lines should then be drawn to them from

the given points with the least possible departure from the course prescribed in the instrument describing the boundary. Two modes were suggested in which such commission might be constituted: First, that it should consist of commissioners to be chosen in equal numbers by the two parties, with an umpire selected by some friendly sovereign from among the most skillful men in Europe; or, secondly, that it should be entirely composed of such men so selected, to be attended in the survey and view of the country by agents appointed by the parties. This commission, it was afterwards proposed, should be restricted to the simple question of determining the point designated by the treaty as the highlands which divide the waters that fall into the Atlantic from those which flow into the St. Lawrence; that these highlands should be sought for in a north or northwest direction from the source of the St. Croix, and that a straight line to be drawn from the monument at the head of that river to those highlands should be considered, so far as it extends, as a part of the boundary in question. The commissioners were then to designate the course of the line along the highlands and to fix on the northwesternmost head of the Connecticut River.

In a note of 31st May the British minister suggested that this perplexed and hitherto interminable question could only be set at rest by an abandonment of the defective description of boundary contained in the treaty, by the two Governments mutually agreeing upon a conventional line more convenient to both parties than those insisted upon by the commissioners under the fifth article of the treaty of Ghent, or that suggested by the King of the Netherlands.

Mr. McLane remarked in reply (June 5) that the embarrassments in tracing the treaty boundary had arisen more from the principles assumed and from the manner of seeking for it than from any real defect in the description when properly understood; that in the present state of the business the suggestion of Sir Charles R. Vaughan would add to the existing difficulties growing out of a want of power in the General Government under the Constitution of the United States to dispose of territory belonging to either of the States of the Union without the consent of the State; that as a conventional line to the south of and confessedly variant from that of the treaty would deprive the State of Maine of a portion of the territory she claims, it was not probable that her consent to it would be given while there remained a reasonable prospect of discovering the line of the treaty of 1783, and that the President would not be authorized, after the recent proceedings in the Senate, to venture now to agree upon a conventional line without such consent, whilst the proposition submitted in April afforded not only a fair prospect, but in his opinion the certain means, of ascertaining the boundary called for by the treaty of 1783 and of finally terminating all the perplexities which have encompassed that subject.

In February, 1834, Sir Charles R. Vaughan, after submitting certain observations intended to controvert the positions assumed by the United States on the subject of the constitutional difficulty by which the American Government was prevented from acquiescing in the arrangement recommended by the King of the Netherlands for the settlement of the boundary in the neighborhood of the St. John, asserted that the two Governments bound themselves by the convention of September, 1827, to submit to an arbiter certain points of difference relative to the boundary between the American and British dominions; that the arbiter was called on to determine certain questions, and that if he has determined the greater part of the points submitted to him his decision on them ought not to be set aside merely because he declares that one remaining point can not be decided in conformity with the words of the treaty of 1783, and therefore recommends to the parties a compromise on that particular point; that the main points referred to the arbiter were three in number; that upon the second and third of these he made a plain and positive decision; that upon the remaining point he has declared that it is impossible to find a spot or to trace a line which shall fulfill all the conditions required by the words of the treaty for the northwest angle of Nova Scotia and for the highlands along which the boundary from that

angle is to be drawn; yet that in the course of his reasoning upon this point he has decided several questions connected with it upon which the two parties had entertained different views, viz:

"First. The arbiter expresses his opinion that the term 'highlands' may properly be applied not only to a hilly and elevated country, but to a tract of land which, without being hilly, divides waters flowing in different directions, and consequently, according to this opinion, the highlands to be sought for are not necessarily a range of mountains, but rather the summit level of the country.

"Second. The arbiter expresses his opinion that an inquiry as to what were the ancient boundaries of the North American Provinces can be of no use for the present purpose, because those boundaries were not maintained by the treaty of 1783 and had in truth never been distinctly ascertained and laid down.

"Third. The arbiter declares that the northwest angle of Nova Scotia mentioned in the treaty of 1783 is not a point which was then known and ascertained; that it is not an angle which is created by the intersection of any lines of boundary at that time acknowledged as existing, but that it is an angle still to be found and to be created by the intersection of new lines, which are hereafter to be drawn in pursuance of the stipulations of the treaty; and further, that the nature of the country eastward of the said angle affords no argument for laying that angle down in one place rather than in another.

"Fourth. He states that no just argument can be deduced for the settlement of this question from the exercise of the rights of sovereignty over the fief of Madawaska and over the Madawaska settlement.

"Fifth. He declares that the highlands contemplated in the treaty should divide immediately, and not mediately, rivers flowing into the St. Lawrence and rivers flowing into the Atlantic, and that the word 'divide' requires contiguity of the things to be divided.

"Sixth. He declares that rivers falling into the Bay of Chaleurs and the Bay of Fundy can not be considered according to the meaning of the treaty as rivers flowing into the Atlantic, and specifically that the rivers St. John and Restigouche can not be looked upon as answerable to the latter description.

"Seventh. He declares that neither the line of boundary claimed by Great Britain nor that claimed by the United States can be adjudged as the true line without departing from the principles of equity and justice as between the two parties."

It was the opinion of His Majesty's Government, Sir Charles alleged, that the decisions of the arbiter upon the second and third points referred to him, as well as upon the subordinate questions, ought to be acquiesced in by the two Governments, and that in any future attempt to establish a boundary, whether in strict conformity with the words of the treaty of 1783 or by agreeing to the mode of settlement recommended by the arbiter, it would be necessary to adopt these seven decisions as a groundwork for further proceedings; that the British Government, therefore, previously to any further negotiation, claimed from the Government of the United States an acquiescence in the decisions pronounced by the arbiter upon all those points which he had decided, and as a preliminary to any attempt to settle the remaining point by negotiation to be satisfied that the Federal Government was possessed of the necessary powers to carry into effect any arrangement upon which the two parties might agree.

With respect to the proposition made by the American Government, Sir Charles thought that the difficulty which was found insurmountable as against the line recommended by the King of the Netherlands, viz, the want of authority to agree to any line which might imply a cession of any part of the territory to which the treaty as hitherto interpreted by the United States might appear to entitle one of the component States of the Union, would be equally fatal to that suggested by Mr. Livingston, since a line drawn from the head of the St. Croix to highlands found to the

westward of the meridian of that spot would not be the boundary of the treaty and might be more justly objected to by Maine and with more appearance of reason than that proposed by the arbiter.

The reply of Mr. McLane to the preceding note is dated on the 11th of March. He expressed his regret that His Britannic Majesty's Government should still consider any part of the opinion of the arbiter obligatory on either party. Those opinions, the Secretary stated, could not have been carried into effect by the President without the concurrence of the Senate, who, regarding them not only as not determining the principal object of the reference, but as in fact deciding that object to be impracticable, and therefore recommending to the two parties a boundary not even contemplated either by the treaty or by the reference nor within the power of the General Government to take, declined to give their advice and consent to the execution of the measures recommended by the arbiter, but did advise the Executive to open a new negotiation for the ascertainment of the boundary in pursuance of the treaty of 1783, and the proposition of Mr. Livingston, submitted in his letter of 30th of April, 1833, accordingly proceeded upon that basis. Mr. McLane denied that a decision, much less the expression of an opinion, by the arbiter upon some of the disputed points, but of a character not to settle the real controversy, was binding upon either party, and he alleged that the most material point in the line of the true boundary, both as it respects the difficulty of the subject and the extent of territory and dominions of the respective Governments, the arbiter not only failed to decide, but acknowledged his inability to decide, thereby imposing upon both Governments the unavoidable necessity of resorting to further negotiation to ascertain the treaty boundary and absolving each party from any obligation to adopt his recommendations. The Secretary also declined to admit that of the three main points referred to the arbiter as necessary to ascertain the boundary of the treaty he had decided two. On the first point, Mr. McLane said, it was not contended a decision was made or that either the angle or the highlands called for by the treaty was found, and on the third point an opinion merely was expressed that it would be suitable to proceed to fresh operations to measure the observed latitude, etc.

The Secretary admitted that if the American proposition should be acceded to by His Majesty's Government and the commission hereafter to be appointed should result in ascertaining the true situation of the boundary called for by the treaty of 1783, that it would be afterwards necessary, in order to ascertain the true line, to settle the other two points according to which it should be traced. He therefore offered, if the American proposition should be acceded to, notwithstanding the obligatory effect of the decision of the arbiter on the point is denied, "to take the stream situated farthest to the northwest among those which fall into the northernmost of the three lakes, the last of which bears the name of Connecticut Lake, as the northwesternmost head of the Connecticut River according to the treaty of 1783;" and as it respects the third point referred to the arbiter, the line of boundary on the forty-fifth degree of latitude, but upon which he failed to decide, the President would agree, if the proposition as to the first point was embraced, to adopt the old line surveyed and marked by Valentine and Collins in 1771 and 1772.

The Secretary then proceeded to state further and insuperable objections to an acquiescence by the United States in the opinions supposed to have been pronounced by the arbiter in the course of his reasoning upon the first point submitted to him. He remarked that the views expressed by the arbiter on these subordinate matters could not be regarded as decisions within the meaning of the reference, but rather as postulates or premises, by which he arrived at the opinion expressed in regard to the point in dispute. By an acquiescence in them, therefore, as required by Great Britain, the United States would reject as erroneous the conclusion of the arbiter, whilst they would adopt the premises and reasoning by which it was attained—that the seven postulates or premises presented as necessary to be considered by the United

States are but part of those on which the arbiter was equally explicit in the expression of his views, that on others his reasoning might be considered as more favorable to the pretensions of this Government, and that no reason was perceived why an acquiescence in his opinions upon them should not equally apply to all the premises assumed by him and be binding upon both parties. Mr. McLane was, however, persuaded that there was no obligation on either Government to acquiesce in the opinion of the arbiter on any of the matters involved in his premises; that such acquiescence would defeat the end of the present negotiation, and that as it appeared to be mutually conceded that the arbiter had not been able to decide upon the first and most material point so as to make a binding decision, there could certainly be no greater obligation to yield to his opinions on subordinate matters merely. The Secretary further observed that the most material point of the three submitted to the arbiter was that of the highlands, to which the President's proposition directly applies, and which are designated in the treaty of peace as the northwest angle of Nova Scotia, formed by a line drawn due north from the source of the St. Croix River to the highlands dividing the rivers, etc.; that the arbiter found it impossible to decide this point, and therefore recommended a new line, different from that called for by the treaty of 1783, and which could only be established by a conventional arrangement between the two Governments; that the Government of the United States could not adopt this recommendation nor agree upon a new and conventional line without the consent of the State of Maine; that the present negotiation proposed to ascertain the boundary according to the treaty of 1783, and for this purpose, however attained, the authority of the Government of the United States was complete; that the proposition offered by the Government of the United States promised, in the opinion of the President, the means of ascertaining the true line by discovering the highlands of the treaty, but the British Government asked the United States as a preliminary concession to acquiesce in the opinion of the arbiter upon certain subordinate facts—a concession which would in effect defeat the sole object, not only of the proposition, but of the negotiation, viz, the determination of the boundary according to the treaty of 1783 by confining the negotiation to a conventional line, to which this Government had not the authority to agree. Mr. McLane also said that if by a resort to the plain rule now recommended it should be found impracticable to trace the boundary according to the definitive treaty, it would then be time enough to enter upon a negotiation for a conventional substitute for it. He stated in answer to the suggestion of Sir Charles R. Vaughan that the objection urged against the line of the arbiter would equally lie against that suggested by Mr. Livingston; that the authority of the Government to ascertain the true line of the treaty was unquestionable, and that the American proposition, by confining the course to the natural object, would be a legitimate ascertainment of that line.

In a note dated 16th March Sir Charles R. Vaughan offered some observations upon the objections on the part of the United States to acquiesce in the points previously submitted to the American Government. He said that the adoption of the views of the British Government by the Government of the United States was meant to be the groundwork of future proceedings, whether those proceedings were to be directed to another attempt to trace the boundary as proposed by the latter or to a division of the territory depending upon the conventional line. He maintained that the arbiter had decided, as the British Government asserted, two out of the three main points submitted for his decision, viz, what ought to be considered as the northwesternmost head of the Connecticut (but which the Government of the United States is only willing to admit conditionally) and the point relative to tracing the boundary along the forty-fifth degree of latitude. This point, he observed, Mr. McLane wished to dispose of by adopting the old line of Collins and Valentine, which was suspected of great inaccuracy by both parties, and the only motive for retaining which was because some American citizens have made settlements upon territory

that a new survey might throw into the possession of Great Britain. Sir Charles denied that the acquiescence of the United States in the seven subordinate points lately submitted by His Majesty's Government would confine the negotiation to a conventional line, to which the President had no authority to agree, and affirmed that not a step could be taken by the commissioners to be appointed according to Mr. Livingston's proposition, notwithstanding the unlimited discretion which it was proposed to give them, unless the two Governments agreed upon two of the seven subordinate points—"the character of the land they are to discover as dividing waters according to the treaty of 1783 and what are to be considered as Atlantic rivers." In answer to Mr. McLane's observation that on many points the reasoning of the arbiter had been more favorable to the United States than to Great Britain, and that therefore acquiescence should equally apply to all the premises assumed, Sir Charles expressed his confidence that if acquiescence in them could facilitate the object which now occupied both Governments they would meet with the most favored consideration. Sir Charles adverted to the obligations contracted under the seventh article of the convention, to the opinion of His Majesty's Government that they were binding and its willingness to abide by the award of the arbiter. He referred to the small majority by which he supposed the award to have been defeated in the Senate of the United States and a new negotiation advised to be opened, to the complicated nature of the plan proposed by the United States for another attempt to trace the boundary of the treaty, to the rejection of the points proposed by the British Government to render that plan more practicable, etc., and regretted sincerely that the award of the arbiter, which conferred upon the United States three-fifths of the disputed territory, together with Rouses Point—a much greater concession than is ever likely to be obtained by a protracted negotiation—was set aside. An alleged insuperable constitutional difficulty having occasioned the rejection of the award, Sir Charles wished to ascertain previously to any further proceedings how far the General Government had the power to carry into effect any arrangement resulting from a new negotiation, the answer of Mr. McLane upon this point having been confined to stating that should a new commission of survey, freed from the restriction of following the due north line of the treaty, find anywhere westward of that line highlands separating rivers according to the treaty of 1783, a line drawn from the monument at the source of the St. Croix would be such a fulfillment of the terms of that treaty that the President could agree to make it the boundary without reference to the State of Maine.

Mr. McLane, under date of 21st March, corrected the error into which Sir Charles had fallen in regard to the proceedings on the award in the Senate of the United States, and showed that that body not only failed, but by two repeated votes of 35 and 34 to 8 refused, to consent to the execution of the award, and by necessary implication denied its binding effect upon the United States, thus putting it out of the power of the President to carry it into effect and leaving the high parties to the submission situated precisely as they were prior to the selection of the arbiter.

The President had perceived, Mr. McLane said, in all the previous efforts to adjust the boundary in accordance with the terms of the treaty of 1783 that a natural and uniform rule in the settlement of disputed questions of location had been quite overlooked; that the chief, if not only, difficulty arose from a supposed necessity of finding highlands corresponding with the treaty description in a due north line from the monument, but it was plain that if such highlands could be anywhere discovered it would be a legal execution of the treaty to draw a line to them from the head of the St. Croix without regard to the precise course given in the treaty. It therefore became his duty to urge the adoption of this principle upon the Government of His Britannic Majesty as perhaps the best expedient which remained for ascertaining the boundary of the treaty of 1783. The Secretary could not perceive in the plan proposed anything so complicated as Sir Charles appeared to suppose. On the

contrary, it was recommended to approbation and confidence by its entire simplicity. It chiefly required the discovery of the highlands called for by the treaty, and the mode of reaching them upon the principle suggested was so simple that no observations could make it plainer. The difficulty of discovering such highlands, Mr. McLane said, was presumed not to be insuperable. The arbiter himself was not understood to have found it impracticable to discover highlands answering the description of the highlands of the treaty, though unable to find them due north from the monument; and certainly it could not be more difficult for commissioners on the spot to arrive at a conclusion satisfactory to their own judgment as to the locality of the highlands.

Mr. McLane, in answer to Sir Charles's request for information on the subject, stated that the difficulty in the way of the adoption of the line recommended by the arbiter was the want of authority in the Government of the United States to agree to a line not only confessedly different from the line called for by the treaty, but which would deprive the State of Maine of a portion of territory to which she would be entitled according to the line of the definitive treaty; that by the President's proposition a commission would be raised, not to establish a new line differing from the treaty of 1783, but to determine what the true and original boundary was and in which of the two disagreeing parties the right to the disputed territory originally was; that for this purpose the authority of the original commissioners, if they could have agreed, was complete under the Ghent treaty, and that of the new commission proposed to be constituted could not be less.

Sir Charles R. Vaughan explained, under date of the 24th of March, with regard to his observation "that the mode in which it was proposed by the United States to settle the boundary was complicated; that he did not mean to apply it to the adoption of a rule in the settlement of disputed questions of location, but to the manner in which it is proposed by the United States that the new commission of survey shall be selected and constituted."

On the 8th of December, 1834, Sir Charles R. Vaughan transmitted a note to the Department of State, in which, after a passing expression of the regret of His Majesty's Government that the American Government still declined to come to a separate understanding on the several points of difference with respect to which the elements of decision were fully before both Governments, but without abandoning the argument contained in his note of 10th February last, he addressed himself exclusively to the American proposition for the appointment of a new commission to be empowered to seek westward of the meridian of the St. Croix highlands answering to the description of those mentioned in the treaty of 1783. He stated with regard to the rule of surveying on which the proposition was founded that however just and reasonable it might be, His Majesty's Government did not consider it so generally established and recognized as Mr. McLane assumed it to be; that, indeed, no similar case was recollected in which the principle asserted had been put in practice; yet, on the contrary, one was remembered not only analogous to that under discussion, but arising out of the same article of the same treaty, in which the supposed rule was invested by the agents of the American Government itself; that the treaty of 1783 declared that the line of boundary was to proceed from the Lake of the Woods "in a due west course to the Mississippi," but it being ascertained that such a line could never reach that river, since its sources lie south of the latitude of the Lake of the Woods, the commissioners, instead of adhering to the natural object—the source of the Mississippi—and drawing a new connecting line to it from the Lake of the Woods, adhered to the arbitrary line to be drawn due west from the lake and abandoned the Mississippi, the specific landmark mentioned in the treaty.

Sir Charles further stated that if the President was persuaded that he could carry out the principle of surveying he had proposed without the consent of Maine, and if no hope remained, as was alleged by Mr. McLane, of overcoming the constitutional

difficulty in any other way until at least this proposition should have been tried and have failed, His Majesty's Government, foregoing their own doubts on the subject, were ready to acquiesce in the proceeding proposed by the President if that proceeding could be carried into effect in a manner not otherwise objectionable; that "His Majesty's Government would consider it desirable that the principles on which the new commissioners would have to conduct their survey should be settled beforehand by a special convention between the two Governments;" that there was, indeed, one preliminary question upon which it was obviously necessary the two Governments should agree before the commission could begin their survey with any chance of success, viz, What is the precise meaning to be attached to the words employed in the treaty to define the highlands which the commissioners are to seek for? that those highlands are to be distinguished from other highlands by the rivers flowing from them, and those distinguishing rivers to be known from others by the situation of their mouths; that with respect to the rivers flowing south into the Atlantic Ocean a difference of opinion existed between the two Governments; that whilst the American Government contended that rivers falling into the Bay of Fundy were, the British Government contended that they were not, for the purposes of the treaty, rivers falling into the Atlantic Ocean, and that the views and arguments of the British Government on this point had been confirmed by an impartial authority selected by the common consent of the two Governments, who was of opinion that the rivers St. John and Restigouche were not Atlantic rivers within the meaning of the treaty, and that His Majesty's Government therefore trusted that the American Cabinet would concur with that of His Majesty in deciding "that the Atlantic rivers which are to guide the commissioners in searching for the highlands described in the treaty are those which fall into the sea to the westward of the mouth of the river St. Croix;" that a clear agreement on this point must be an indispensable preliminary to the establishment of any new commission of survey; that till this point be decided no survey of commissioners could lead to a useful result, but that its decision turns upon the interpretation of the words of a treaty, and not upon the operations of surveyors; and His Majesty's Government, having once submitted it, in common with other points, to the judgment of an impartial arbiter, by whose award they had declared themselves ready to abide, could not consent to refer it to any other arbitration.

In a note from the Department of State dated 28th April, 1835, Sir Charles R. Vaughan was assured that his prompt suggestion, as His Britannic Majesty's minister, that a negotiation should be opened for the establishment of a conventional boundary between the two countries was duly appreciated by the President, who, had he possessed like powers with His Majesty's Government over the subject, would have met the suggestion in a favorable spirit.

The Secretary observed that the submission of the whole subject or any part of it to a new arbitrator promised too little to attract the favorable consideration of either party; that the desired adjustment of the controversy was consequently to be sought for in the application of some new principle to the controverted question, and that the President thought that by a faithful prosecution of the plan submitted by his direction a settlement of the boundary in dispute according to the terms of the treaty of 1783 was attainable.

With regard to the rule of practical surveying offered as the basis of the American proposition, he said if it should become material to do so—which was not to be anticipated—he would find no difficulty either in fortifying the ground occupied by this Government in this regard or in satisfying Sir Charles that the instance brought into notice by His Britannic Majesty's Government of a supposed departure from the rule was not at variance with the assertion of Mr. Livingston repeated by Mr. McLane. The Secretary therefore limited himself to the remark that the line of demarcation referred to by Sir Charles was not established as the true boundary prescribed by the treaty of 1783, but was a conventional substitute for it, the result

of a new negotiation controlled by other considerations than those to be drawn from that instrument only.

The Secretary expressed the President's unfeigned regret upon learning the decision of His Majesty's Government not to agree to the proposition made on the part of the United States without a precedent compliance by them with inadmissible conditions. He said that the views of this Government in regard to this proposal of His Majesty's Government had been already communicated to Sir Charles R. Vaughan, and the President perceived with pain that the reasons upon which these opinions were founded had not been found to possess sufficient force and justice to induce the entire withdrawal of the objectionable conditions, but that, on the contrary, while His Majesty's Government had been pleased to waive for the present six of the seven opinions referred to, the remaining one, amongst the most important of them all, was still insisted upon, viz, that the St. John and Restigouche should be treated by the supposed commission as not being Atlantic rivers according to the meaning of those terms in the treaty. With reference to that part of Sir Charles's communication which seeks to strengthen the ground heretofore taken on this point by the British Government by calling to its aid the supposed confirmation of the arbiter, the Secretary felt himself warranted in questioning whether the arbiter had ever given his opinion that the rivers St. John and Restigouche can not be considered according to the meaning of the treaty as rivers falling into the Atlantic, and he insisted that it was not the intention of the arbiter to express the opinion imputed to him.

The Secretary also informed Sir Charles that the President could not consent to clog the submission with the condition proposed by Her Majesty's Government; that a just regard to the rights of the parties and a proper consideration of his own duties required that the new submission, if made, should be made without restriction or qualification upon the discretion of the commissioners other than such as resulted from established facts and the just interpretation of the definitive treaty, and such as had been heretofore and were now again tendered to His Britannic Majesty's Government; that he despaired of obtaining a better constituted tribunal than the one proposed; that he saw nothing unfit or improper in submitting the question as to the character in which the St. John and Restigouche were to be regarded to the decision of an impartial commission; that the parties had heretofore thought it proper so to submit it, and that it by no means followed that because commissioners chosen by the parties themselves, without an umpire, had failed to come to an agreement respecting it, that the same result would attend the efforts of a commission differently selected. The Secretary closed his note by stating that the President had no new proposal to offer, but would be happy to receive any such proposition as His Britannic Majesty's Government might think it expedient to make, and by intimating that he was authorized to confer with Sir Charles whenever it might suit his convenience and comport with the instructions of his Government with respect to the treaty boundary or a conventional substitute for it.

On the 4th of May, 1835, Sir Charles R. Vaughan expressed his regret that the condition which His Majesty's Government had brought forward as an essential preliminary to the adoption of the President's proposal had been declared to be inadmissible by the American Government.

Sir Charles confidently appealed to the tenor of the language of the award of the arbiter to justify the inference drawn from it by His Majesty's Government in regard to that point in the dispute which respects the rivers which are to be considered as falling directly into the Atlantic. The acquiescence of the United States in what was understood to be the opinion of the arbiter was invited, he said, because the new commission could not enter upon their survey in search of the highlands of the treaty without a previous agreement between the two Governments what rivers ought to be considered as falling into the Atlantic, and that if the character in which [illegible]

Restigouche and St. John were to be regarded was a question to be submitted to the commissioners the President's proposition would assume the character of a new arbitration, which had been already objected to by the Secretary. Sir Charles also stated that while His Majesty's Government had wished to maintain the decisions of the arbiter on subordinate points, their mention had not been confined to those decided in favor of British claims; that the decisions were nearly balanced in favor of either party, and the general result of the arbitration was so manifestly in favor of the United States that to them were assigned three-fifths of the territory in dispute and Rouses Point, to which they had voluntarily resigned all claim.

Sir Charles acknowledged with much satisfaction the Secretary's assurance that if the President possessed the same power as His Majesty's Government over the question of boundary he would have met the suggestion of a conventional line, contained in Sir Charles's note of 31st May, 1833, in a favorable spirit. He lamented that the two Governments could not coincide in the opinion that the removal of the only difficulty in the relations between them was attainable by the last proposal of the President, as it was the only one in his power to offer in alleviation of the task of tracing the treaty line, to which the Senate had advised that any further negotiation should be restricted. He said that he was ready to confer with the Secretary whenever it might be convenient to receive him, and stated that as to any proposition which it might be the wish of the United States to receive from His Majesty's Government respecting a conventional substitute for the treaty of 1783, it would in the first instance, to avoid constitutional difficulties in the way of the Executive, be necessary to obtain the consent of Maine, an object which must be undertaken exclusively by the General Government of the United States.

Mr. Bankhead, the British chargé d'affaires, in a note to the Department dated 28th December, 1835, stated that during the three years which had elapsed since the refusal of the Senate to agree to the award of the King of the Netherlands, although the British Government had more than once declared its readiness to abide by its offer to accept the award, the Government of the United States had as often replied that on its part that award could not be agreed to; that the British Government now considered itself by this refusal of the United States fully and entirely released from the conditional offer which it had made, and that he was instructed distinctly to announce to the President that the British Government withdrew its consent to accept the territorial compromise recommended by the King of the Netherlands.

With regard to the American proposition for the appointment of a new commission of exploration and survey, Mr. Bankhead could not see, since the President found himself unable to admit the distinction between the Bay of Fundy and the Atlantic Ocean, how any useful result could arise out of the proposed survey. He thought, on the contrary, that if it did not furnish fresh subjects of difference between the two Governments it could at best only bring the subject back to the same point at which it now stood.

To the suggestion of the President that the commission of survey should be empowered to decide the river question Mr. Bankhead said it was not in the power of His Majesty's Government to assent; that this question could not properly be referred to such a commission, because it turned upon the interpretation to be put upon the words of the treaty of 1783, and upon the application of that interpretation to geographical facts already well known and ascertained, and that therefore a commission of survey had no peculiar competency to decide such a question; that to refer it to any authority would be to submit it to a fresh arbitration, and that if His Majesty's Government were prepared to agree to a fresh arbitration, which was not the case, such arbitration ought necessarily, instead of being confined to one particular point alone, to include all the points in dispute between the two Governments; that His Majesty's Government could therefore only agree to such a commission provided there were a previous understanding between the two Governments: that although neither should

be required to give up its own interpretation of the river question, yet "the commissioners should be instructed to search for highlands upon the character of which no doubt could exist on either side."

If this modification of the President's proposal should not prove acceptable, Mr. Bankhead observed, the only remaining way of adjusting the difference would be to abandon altogether the attempt to draw a line in conformity with the words of the treaty and to fix upon a convenient line, to be drawn according to equitable principles and with a view to the respective interests and the convenience of the two parties. He stated that His Majesty's Government were perfectly ready to treat for such a line, and conceived that the natural features of the disputed territory would afford peculiar facilities for drawing it; that His Majesty's Government would therefore propose an equal division of the territory in dispute between Great Britain and the United States, and that the general outline of such a division would be that the boundary between the two States should be drawn due north from the head of St. Croix River till it intersected the St. John; thence up the bed of the St. John to the southernmost source of that river, and from that point it should be drawn to the head of the Connecticut River in such manner as to make the northern and southern allotments of the divided territory as nearly as possible equal to each other in extent.

In reply to the preceding note the Secretary, under date of February 29, 1836, expressed the President's regret to find that His Britannic Majesty's Government adhered to its objection to the appointment of a commission to be chosen in either of the modes heretofore proposed by the United States and his conviction that the proposition on which it was founded, "that the river question was a treaty construction only," although repeated on various occasions by Great Britain, was demonstrably untenable, and, indeed, only plausible when material and most important words of description in the treaty are omitted in quoting from that instrument. He said that while His Majesty's Government maintain their position agreement between the United States and Great Britain on this point was impossible; that the President was therefore constrained to look to the new and conventional line offered in Mr. Bankhead's note, but that in such a line the wishes and interests of Maine were to be consulted, and that the President could not in justice to himself or that State make any proposition utterly irreconcilable with her previously well-known opinions on the subject; that the principle of compromise and equitable division was adopted by the King of the Netherlands in the line recommended by him, a line rejected by the United States because unjust to Maine; and yet that line gave to Great Britain little more than 2,000,000, while the proposition now made by His Majesty's Government secured to Great Britain of the disputed land more than 4,000,000 acres; that the division offered by Mr. Bankhead's note was not in harmony with the equitable rule from which it is said to spring, and if it were in conformity with it could not be accepted without disrespect to the previous decisions and just expectations of Maine. The President was far from attributing this proposition, the Secretary said, to the desire of His Majesty's Government to acquire territory. He doubted not that the offer, without regard to the extent of territory falling to the north or south of the St. John, was made by His Majesty's Government from a belief that the substitution of a river for a highland boundary would be useful in preventing territorial disputes in future; but although the President coincided in this view of the subject he was compelled to decline the boundary proposed as inconsistent with the known wishes, rights, and decisions of the State.

The Secretary concluded by stating that the President, with a view to terminate at once all controversy, and without regard to the extent of territory lost by one party or acquired by the other, to establish a definite and indisputable line, would, if His Majesty's Government assented to it, apply to the State of Maine for its consent to make the river St. John from its source to its mouth the boundary between Maine and His Britannic Majesty's dominions in that part of North America.

Mr. Bankhead acknowledged on the 4th March, 1836, the receipt of this note from the Department, and said that the rejection of the conventional line proposed in his previous note would cause His Majesty's Government much regret. He referred the Secretary to that part of his note of the 28th December last wherein the proposition of the President for a commission of exploration and survey was fully discussed, as it appeared to Mr. Bankhead that the Secretary had not given the modification on the part of His Majesty's Government of the American proposition the weight to which it was entitled. He said that it was offered with the view of meeting as far as practicable the wishes of the President and of endeavoring by such a preliminary measure to bring about a settlement of the boundary upon a basis satisfactory to both parties; that with this view he again submitted to the Secretary the modified proposal of His Majesty's Government, remarking that the commissioners who might be appointed were not to *decide* upon points of difference, but merely to present to the respective Governments the result of their labors, which, it was hoped and believed, would pave the way for an ultimate settlement of the question.

Mr. Bankhead considered it proper to state frankly and clearly that the proposition offered in the last note from the Department to make the river St. John from its source to its mouth the boundary between the United States and His Majesty's Province of New Brunswick was one to which the British Government, he was convinced, would never agree.

On the 5th March the Secretary expressed regret that his proposition to make the river St. John the boundary between Maine and New Brunswick would, in the opinion of Mr. Bankhead, be declined by his Government; that the Government of the United States could not, however, relinquish the hope that the proposal, when brought before His Majesty's cabinet and considered with the attention and deliberation due to its merits, would be viewed in a more favorable light than that in which it appeared to have presented itself to Mr. Bankhead. If, however, the Secretary added, this expectation should be disappointed, it would be necessary before the President consented to the modification of his previous proposition for the appointment of a commission of exploration and survey to be informed more fully of the views of the British Government in offering the modification, so that he might be enabled to judge how the report of the commission (which as now proposed to be constituted was not to decide upon points of difference) would be likely to lead to an ultimate settlement of the question of boundary, and also which of the modes proposed for the selection of commissioners was the one intended to be accepted, with the modification suggested by His Britannic Majesty's Government.

In January last Mr. Fox, the British minister at Washington, made a communication to the Department of State, in which, with reference to the objection preferred by the American Government that it had no power without the consent of Maine to agree to the arrangement proposed by Great Britain, since it would be considered by that State as equivalent to a cession of what she regarded as a part of her territory, he observed that the objection of the State could not be admitted as valid, for the principle on which it rested was as good for Great Britain as it was for Maine; that if the State was entitled to contend that until the treaty line was determined the boundary claimed by Maine must be regarded as the right one, Great Britain was still more entitled to insist on a similar pretension and to assert that until the line of the treaty shall be established satisfactorily the whole of the disputed territory ought to be considered as belonging to the British Crown, since Great Britain was the original possessor, and all the territory which had not been proved to have been by treaty ceded by her must be deemed to belong to her still. But Mr. Fox said the existence of these conflicting pretensions pointed out the expediency of a compromise; and why, he asked, as a conventional line different from that described in the treaty was agreed to with respect to the boundary westward from the Lake of the Woods, should such a line not be agreed to likewise for the boundary eastward

from the Connecticut? Her Majesty's Government could not, he added, refrain from again pressing this proposition upon the serious consideration of the United States as the arrangement best calculated to effect a prompt and satisfactory settlement between the two powers.

With reference to the American proposition to make the river St. John from its mouth to its source the boundary, Mr. Fox remarked that it was difficult to understand upon what grounds any expectation could have been formed that such a proposal could be entertained by the British Government, for such an arrangement would give to the United States even greater advantages than they would obtain by an unconditional acquiescence in their claim to the whole of the disputed territory, because it would give to Maine all the disputed territory lying south of the St. John, and in exchange for the remaining part of the territory lying to the north of the St. John would add to the State of Maine a large district of New Brunswick—a district smaller in extent, but much more considerable in value, than the portion of the disputed territory which lies to the north of the St. John.

With regard to the proposition for the appointment of a commission of exploration and survey, Mr. Fox stated that Her Majesty's Government, with little expectation that it could lead to a useful result, but unwilling to reject the only plan left which seemed to afford a chance of making a further advance in this matter, would not withhold their consent to such a commission if the principle upon which it was to be formed and the manner in which it was to proceed could be satisfactorily settled; that of the two modes proposed in which such a commission might be constituted Her Majesty's Government thought the first, viz, that it might consist of commissioners named in equal numbers by each of the two Governments, with an umpire to be selected by some friendly European power, would be the best, but suggested that it might be better that the umpire should be selected by the members of the commission themselves rather than that the two Governments should apply to a third power to make such a choice; that the object of this commission should be to explore the disputed territory in order to find within its limits dividing highlands which might answer the description of the treaty, the search to be made in a north and northwest line from the monument at the head of the St. Croix; and that Her Majesty's Government had given their opinion that the commissioners should be instructed to look for highlands which both parties might acknowledge as fulfilling the conditions of the treaty.

In answer to the inquiry how the report of the commission would, according to the views of Her Majesty's Government, be likely when rendered to lead to an ultimate settlement of the boundary question, Mr. Fox observed that since the proposal for the appointment of a commission originated with the Government of the United States, it was rather for that Government than the Government of Great Britain to answer this question. Her Majesty's Government had already stated they had little expectation that such a commission could lead to any useful result, etc., but that Her Majesty's Government, in the first place, conceived that it was meant by the Government of the United States that if the commission should discover highlands answering to the description of the treaty a connecting line from them to the head of the St. Croix should be deemed to be a portion of the boundary between the two countries. Mr. Fox further referred the Secretary to the previous notes of Mr. McLane on the subject, in which it was contemplated as one of the possible results of the proposed commission that such additional information might be obtained of the features of the country as might remove all doubt as to the impracticability of laying down a boundary in accordance with the letter of the treaty. Mr. Fox said that if the investigations of the commission should show that there was no reasonable prospect of finding the line described in the treaty of 1783 the constitutional difficulties which now prevented the United States from agreeing to a conventional line might possibly be removed, and the way be thus prepared for a satisfactory settlement of the

difference by equitable division of the territory; but, he added in conclusion, if the two Governments should agree to the appointment of such a commission, it would be necessary that their agreement should be by a convention, and it would be obviously indispensable that the State of Maine should be an assenting party to the arrangement.

In acknowledging the receipt of Mr. Fox's communication at the Department he was informed (7th February) that the President experienced deep disappointment in finding that the answer just presented on the part of the British Government to the proposition made by this Government with the view of effecting the settlement of the boundary question was so indefinite in its terms as to render it impracticable to ascertain without further discussion what were the real wishes and intentions of Her Majesty's Government respecting the appointment of a commission of exploration and survey, but that a copy of it would be transmitted to the executive of Maine for the purpose of ascertaining the sense of the State authorities upon the expediency of meeting the views of Her Majesty's Government so far as they were therein developed.

Occasion was taken at the same time to explain to Mr. Fox, in answer to the suggestion in his note of the 10th of January last, that the parallel of latitude adopted as a conventional substitute for the line designated in the treaty for the boundary westward from the Lake of the Woods passed over territory within the exclusive jurisdiction of the General Government, without trenching upon the rights or claims of any member of the Union, and the legitimate power of the Government, therefore, to agree to such line was held to be perfect, but that in acceding to a conventional line for the boundary eastward from the river Connecticut it would transcend its constitutional powers, since such a measure could only be carried into effect by violating the jurisdiction of a sovereign State and assuming to alienate a portion of the territory claimed by such State.

In reply to the observation of Mr. Fox that it was difficult to understand upon what ground an expectation could have been entertained that the proposition to make the St. John the boundary would be received by Her Majesty's Government, he was informed that the suggestion had been offered, as the proposition on the part of Great Britain that led to it was supposed to have been, with regard to the extent of territory lost or acquired by the respective parties, and in the hope that the great importance of terminating this controversy by establishing a definite and indisputable boundary would be seen and acknowledged by the British Government, and have a correspondent weight in influencing its decision; that the suggestion in Mr. Bankhead's note of 28th December, 1835, of a part of the river St. John as a portion of the general outline of a conventional boundary, apparently recognized the superior advantages of a river over a highland boundary, and that no difficulty was anticipated on the part of Her Majesty's Government in understanding the grounds upon which such a proposal was expected to be entertained by it, since the precedent proposition of Mr. Bankhead just alluded to, although based upon the principle of an equal division between the parties, could not be justified by it, as it would have given nearly two-thirds of the disputed territory to Great Britain; that it was therefore fair to presume that the river line, in the opinion of His Majesty's Government, presented advantages sufficient to counterbalance any loss of territory by either party that might accrue from its adoption; and it was also supposed that another recommendation of this line would be seen by Great Britain in the fact that whilst by its adoption the right of jurisdiction alone would have been yielded to the United States over that portion of New Brunswick south of the St. John, Great Britain would have acquired the right of soil and jurisdiction of all the disputed territory north of that river.

To correct a misapprehension into which Mr. Fox appeared to have fallen, the distinctive difference between the American proposition for a commission and that proposition as subsequently modified by Great Britain was pointed out, and he was

informed that although the proposal originated with this Government, the modification was so fundamentally important that it entirely changed the nature of the proposition, and that the supposition, therefore, that it was rather for the Government of the United States than for that of Great Britain to answer the inquiry preferred by the Secretary of State for information relative to the manner in which the report of the commission as proposed to be constituted and instructed by the British Government might tend to a practical result was unfounded. Mr. Fox was also given to understand that any decision made by a commission constituted in the manner proposed by the United States and instructed to seek for the highlands of the treaty of 1783 would be binding upon this Government and could be carried into effect without unnecessary delay; but if the substitute presented by Her Majesty's Government should be insisted on and its principles be adopted, it would then be necessary to resort to the State of Maine for her assent in all proceedings relative to the matter, since any arrangement under it can only be for a conventional line to which she must be a party.

In conclusion, it was intimated to Mr. Fox that if a negotiation be entertained by this Government at all upon the unsatisfactory basis afforded by the British counter proposition or substitute, the President will not invite it unless the authorities of the State of Maine shall think it more likely to lead to an adjustment of the question of boundary than the General Government deemed it to be, although predisposed to see it in the most favorable light.

Your excellency will perceive that in the course of these proceedings, but without abandoning the attempt to adjust the treaty line, steps necessary, from the want of power in the Federal Government, of an informal character, have been taken to test the dispositions of the respective Governments upon the subject of substituting a conventional for the treaty line. It will also be seen from the correspondence that the British Government, despairing of a satisfactory adjustment of the line of the treaty, avows its willingness to enter upon a direct negotiation for the settlement of a conventional line if the assent of the State of Maine to that course can be obtained.

Whilst the obligations of the Federal Government to do all in its power to effect a settlement of this boundary are fully recognized on its part, it has in the event of its being unable to do so specifically by mutual consent no other means to accomplish the object amicably than by another arbitration, or a commission, with an umpire, in the nature of an arbitration. In the contingency of all other measures failing the President will feel it to be his duty to submit another proposition to the Government of Great Britain to refer the decision of the question to a third party. He would not, however, be satisfied in taking this final step without having first ascertained the opinion and wishes of the State of Maine upon the subject of a negotiation for the establishment of a conventional line, and he conceives the present the proper time to seek it.

I am therefore directed by the President to invite your excellency to adopt such measures as you may deem necessary to ascertain the sense of the State of Maine with respect to the expediency of attempting to establish a conventional line of boundary between that State and the British possessions by direct negotiation between the Governments of the United States and Great Britain, and whether the State of Maine will agree, and upon what conditions, if she elects to prescribe any, to abide by such settlement if the same be made. Should the State of Maine be of opinion that additional surveys and explorations might be useful either in leading to a satisfactory adjustment of the controversy according to the terms of the treaty or in enabling the parties to decide more understandingly upon the expediency of opening a negotiation for the establishment of a line that would suit their mutual convenience and be reconcilable to their conflicting interests, and desire the creation for that purpose of a commission upon the principles and with the limited powers

described in the letter of Mr. Fox, the President will without hesitation open a negotiation with Great Britain for the accomplishment of that object.

I have the honor to be, with high consideration, your excellency's obedient servant,

JOHN FORSYTH.

WASHINGTON, *April 5, 1838*

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, with accompanying papers, in answer to their resolution of the 21st ultimo.

M. VAN BUREN

DEPARTMENT OF STATE,
Washington, April 4, 1838

THE PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 21st ultimo, requesting the President, "if not incompatible with the public interests, to communicate to that House any information possessed by him respecting the capture and destruction of the steamboat *Caroline* at Schlosser during the night of the 29th December last, and the murder of citizens of the United States on board, and all the particulars thereof not heretofore communicated, and especially to inform the House whether said capture was authorized, commanded, or sanctioned or has been avowed by the British authorities or officers, or any of them, and also what steps have been taken by him to obtain satisfaction from the Government of Great Britain on account of said outrage, and to communicate to the House all correspondence or communications relative thereto which have passed between the Government of the United States and Great Britain, or any of the public authorities of either," has the honor to lay before the President the accompanying documents, which contain all the information in the possession of this Department relative to the subject of the resolution; and to state, moreover, that instructions have been transmitted to the minister of the United States in London to make a full representation to Her Britannic Majesty's Government of the facts connected with this lamentable occurrence, to remonstrate against the unwarrantable course pursued on the occasion by the British troops from Canada, and to express the expectation of this Government that such redress as the nature of the case obviously requires will be promptly given.

Respectfully submitted. JOHN FORSYTH.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, January 5, 1838.

HENRY S. FOX, Esq., etc.

SIR: By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this Department of an extraordinary outrage committed from Her Britannic Majesty's Province of Upper Canada on the persons and property of citizens of the United States within the jurisdiction of the State of New York. The destruction of the property and the assassination of citizens of the United States on the soil of New York at the moment when, as is well known to you, the President was anxiously endeavoring to allay the excitement and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada have produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon Her

Majesty's Government. This communication is made to you under the expectation that through your instrumentality an early explanation may be obtained from the authorities of Upper Canada of all the circumstances of the transaction, and that by your advice to those authorities such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible. Not doubting the disposition of the government of Upper Canada to do its duty in punishing the aggressors and preventing future outrage, the President nevertheless has deemed it necessary to order a sufficient force on the frontier to repel any attempt of a like character and to make known to you that if it should occur he can not be answerable for the effects of the indignation of the neighboring people of the United States.

I avail myself of this occasion, etc.

JOHN FORSYTH.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, January 19, 1838.

HENRY S. FOX, Esq., etc.

SIR: With reference to my note of the 5th instant, communicating to you evidence of an extraordinary outrage committed from Her Britannic Majesty's Province of Upper Canada on the persons and property of certain citizens of the United States at Schlosser, within the jurisdiction of the State of New York, on the night of the 29th ultimo, I have now the honor to transmit to you the copy of a letter* recently received from the attorney of the United States for the northern district of New York, dated the 8th of the current month, with transcripts of sundry depositions* which accompanied it, containing additional information in regard to that most disastrous occurrence. A letter from Mr. George W. Pratt of the 10th of January, with inclosures relating to the same subject, is also sent.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

ROCHESTER, *January 10, 1838.*

The PRESIDENT.

SIR: Colonel McNab, having avowed that the steamboat *Caroline* was destroyed by his orders, justifies himself by the plea, sustained by affidavits, that hostilities were commenced from the American shore.

I inclose you the affidavits* of four respectable citizens of Rochester, who were present at the time, who contradict the assertions of Colonel McNab.

I have the honor to be, your obedient servant,

GEO. W. PRATT.

Mr. Fox to Mr. Forsyth.

WASHINGTON, *February 6, 1838.*

Hon. JOHN FORSYTH, etc.

SIR: With reference to the letters which, by direction of the President, you addressed to me on the 5th and 19th ultimo, respecting the capture and destruction of the steamboat *Caroline* by a Canadian force on the American side of the Niagara River, within the jurisdiction of the State of New York, I have now the honor to communicate to you the copy of a letter upon that subject which I have received from Sir Francis Head, lieutenant-governor of the Province of Upper Canada, with divers reports and depositions annexed.

The piratical character of the steamboat *Caroline* and the necessity of self-defense and self-preservation under which Her Majesty's subjects acted in destroying that vessel would seem to be sufficiently established.

At the time when the event happened the ordinary laws of the United States were

*Omitted.

not enforced within the frontier district of the State of New York. The authority of the law was overborne publicly by piratical violence. Through such violence Her Majesty's subjects in Upper Canada had already severely suffered, and they were threatened with still further injury and outrage. This extraordinary state of things appears naturally and necessarily to have impelled them to consult their own security by pursuing and destroying the vessel of their piratical enemy wheresoever they might find her.

I avail myself of this occasion to renew to you the assurance of my high respect and consideration.

H. S. FOX.

TORONTO, UPPER CANADA, *January 8, 1838.*

His Excellency HENRY S. FOX,
Her Majesty's Minister, Washington.

SIR: I have the honor to inclose you the copy of a special message sent by His Excellency Governor Marcy to the legislature of the State of New York, in relation to a matter on which your excellency will desire the earliest and most authentic information. The message only reached this place yesterday, and I lose no time in communicating with your excellency on the subject.

The governor of the State of New York complains of the cutting out and burning of the steamboat *Caroline* by order of Colonel McNab, commanding Her Majesty's forces at Chippewa, in the Province of Upper Canada, and of the destruction of the lives of some American citizens who were on board of the boat at the time she was attacked.

The act complained of was done under the following circumstances:

In Upper Canada, which contains a population of about 450,000 souls, the most perfect tranquillity prevailed up to the 4th day of December last, although in the adjoining Province of Lower Canada many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

At no time since the treaty of peace with the United States in 1815 had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not in any degree apply in the upper Province, whose population, like the British and American inhabitants of Lower Canada, were wholly opposed to the revolt and anxious to render every service in their power in support of the Queen's authority.

It had been reported to the Government some time before the 4th of December that in a remote portion of the home district a number of persons occasionally met and drilled with arms under leaders known to be disaffected, but it was not believed by the Government that anything more could be intended than to make a show of threatened revolt in order to create a diversion in favor of the rebels in Lower Canada.

The feeling of loyalty throughout this Province was known to be so prevalent and decided that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of the 4th December the inhabitants of the city of Toronto were alarmed by the intelligence that about 500 persons armed with rifles were approaching the city; that they had murdered a gentleman of great respectability in the highway, and had made several persons prisoners. The inhabitants rushed immediately to arms; there were no soldiers in the Province and no militia had been called out. The home district, from which this party of armed men came, contains 60,000 inhabitants; the city of Toronto 10,000. In a few hours a respectable force, although undisciplined, was collected and armed in self-defense, and awaited the threatened attack. It seems now to admit of no doubt that if they had at once advanced against the insurgents they would have met with no formidable resistance, but it was thought more prudent to wait until a sufficient force should be collected

to put the success of an attack beyond question. In the meantime people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but, on the contrary, were deserted by many of their body in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th of December an overwhelming force of militia went against them and dispersed them without losing a man, taking many prisoners, who were instantly by my order released and suffered to depart to their homes. The rest, with their leaders, fled; some have since surrendered themselves to justice; many have been taken, and some have escaped from the Province.

It was reported about this time that in the district of London a similar disposition to rise had been observed, and in consequence a militia force of about 400 men was sent into that district, where it was speedily joined by three times as many of the inhabitants of the district, who assembled voluntarily and came to their aid with the greatest alacrity.

It was discovered that about 300 persons under Dr. Duncombe, an American by birth, were assembled with arms, but before the militia could reach them they dispersed themselves and fled. Of these by far the greater came in immediately and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

In about a week perfect tranquillity was restored, and from that moment not a man has been seen in arms against the Government in any part of the Province, with the exception of the hostile aggression upon Navy Island, which I shall presently notice; nor has there been the slightest resistance offered to the execution of legal process in a single instance.

After the dispersion of the armed insurgents near Toronto Mr. McKenzie, their leader, escaped in disguise to the Niagara River and crossed over to Buffalo. Reports had been spread there and elsewhere along the American frontier that Toronto had been burnt and that the rebels were completely successful, but the falsehood of these absurd rumors was well known before McKenzie arrived on the American side. It was known also that the ridiculous attempt of 400 men to revolutionize a country containing nearly half a million inhabitants had been put down by the people instantly and decidedly without the loss of a man.

Nevertheless, a number of American citizens in Buffalo and other towns on the frontier of the State of New York enlisted as soldiers, with the avowed object of invading Canada and establishing a provisional government. Public meetings were held to forward this design of invading a country with which the United States were at peace. Volunteers were called for, and arms, ammunition, and provisions were supplied by contributions openly made. All this was in direct and flagrant violation of the express laws of the United States, as well as of the law of nations.

The civil authority of Buffalo offered some slight shew of resistance to the movement, being urged to interpose by many of the most respectable citizens. But no real impediment was offered, and on the 13th of December some hundreds of the citizens of the State of New York, as an armed body under the command of a Mr. Van Rensselaer, an American citizen, openly invaded and took possession of Navy Island, a part of Upper Canada, situate in the Niagara River.

Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time this lawless band obtained from some of the arsenals of the State of New York (clandestinely, as it is said) several pieces of artillery and other arms, which in broad daylight were openly transported to Navy Island without resistance from the American authorities. The people of Buffalo and the adjacent country continued to supply them with stores of various kinds, and additional men enlisted in their ranks.

In a few days their force was variously stated from 500 to 1,500, of whom a small

RUSSIA
CHINA
JAPAN
4396 M.
3379 M.
MIDWAY ISL.
WAKE ISL.
PHILIPPINE ISL.
SAMOA
AUSTRALIA

KA
CANADA
M.
UNITED STATES
998 M
AII ISL.
MEXICO
1400 M.
4711 M.
PORTO RICO ISL.
VENEZUELA
GUIANA
COLUMBIA
ECUADOR
BRAZIL
PERU
BOLIVIA
PARAGUAY
CHILE
ARGENTINA
URUGUAY